

**LIST OF DECISIONS**

**OF**

**THE HONORABLE PAUL J. KILBURG**

**U.S. Bankruptcy Court**  
**Northern District of Iowa**

**April 23, 1993 - October 15, 2005**

**Prepared by**

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I. IN GENERAL, 2001-2120

A. In General, 2001-2010

B. Constitutional and Statutory Provisions, 2011-2040

Folz v. Educational Credit Management Corp. (In re Kenneth and Isabelle Folz), Ch. 7, No. L91-00946-C, Adv. 99-9020-C (Bankr. N.D. Iowa Aug. 27, 1999) (student loan excepted from Chapter 13 discharge)

In re Bockes Brothers Farms, Inc., Ch. 11, No. 93-60881KW (Bankr. N.D. Iowa June 16, 1995) (deny modification of order of dismissal)

In re Dean and Barbara Calease, Ch. 7, No. 93-60698LW (Bankr. N.D. Iowa Sept. 20, 1993) (avoidance of lien arising from pre-enactment after-acquired property clause)

C. Jurisdiction, 2041-2080

Schnittjer v. Pioneer Mutual Life Ins. Co. (In re Vernon Cooper; In re Connie Cooper); Ch. 7, No. 02-03466, 03-00235; Adv. 05-9025, 2005 WL 1995440 (Bankr. N.D. Iowa Aug. 16, 2005) (“related to” jurisdiction over intervention complaint)

FL Receivables Trust 2002-A v. Gilbertson Restaurants, Inc. (In re Gilbertson Restaurants, LLC, et al) Ch. 11, No. 04-00385, Adv. 04-9061 (Bankr. N.D. Iowa Oct. 12, 2004) (dismissal for lack of “case or controversy”)

Central State Bank v. McCabe (In re Lawrence & Janet McCabe), Ch. 7, No. 02-00250, Adv. 03-9122, 302 B.R. 873 (Bankr. N.D. Iowa Dec. 10, 2003) (“related to” jurisdiction)

Midwest Agriculture Warehouse v. R.I.C. Enters. (In re Paris & Sons, Inc.), Ch. 7, No. 98-02475-C, Adv. 99-9098-C (Bankr. N.D. Iowa June 5, 2000) (adversary action dismissed after Chapter 11 case dismissed)

In re National Cattle Congress, Ch. 11, No. 97-03581-W, 247 B.R. 259 (Bankr. N.D. Iowa March 22, 2000) (Sac and Fox tribe's security interest protected from modification in Chapter 11 plan by sovereign immunity)

In re S.O.S. Enterprises, Ltd., Ch. 7, No. 95-10203KC (Bankr. N.D. Iowa Feb. 26, 1996) (dismissal of adversary proceeding after dismissal of case)

Deklotz v. Peoples Bank & Trust (In re Robert and Faye Deklotz), Ch. 7, No. L-87-00021C, Adv. 93-1007LC (Bankr. N.D. Iowa Sept. 1, 1993) (lender liability claim which accrued prepetition is barred)

D. Venue; Personal Jurisdiction, 2081-2100

McAllister v. Granger State Bank (In re McAllister), Ch. 13, No. 04-02249, Adv. 04-9115, 2004 WL 2034903 (Bankr. N.D. Iowa Aug. 11, 2004) (case remanded to Iowa District Court)

In re J.G. Robins Inc., Ch. 11, No. 03-01789, 2003 WL 22006015 (Bankr. N.D. Iowa Aug. 22, 2003) (venue transferred to Southern District)

Schomann Int'l v. Koch (In re Curtis Koch), Ch. 7, No. 99-02793-W, Adv. 00-9015-W (Bankr. N. D. Iowa May 4, 2000) (change of venue denied)

In re Bockes Brothers Farms, Inc., Ch. 11, No. 93-60881KW (Bankr. N.D. Iowa June 16, 1995) (deny modification of order of dismissal)

Hager v. Bockes Brothers Farms (In re Bockes Brothers Farms), Ch. 11, No. 93-60881KW, Adv. 93-6127KW (Bankr. N.D. Iowa Sept. 7, 1993) (remand or abstention in creditor's action to recover forfeited real estate)

E. Reference, 2101-2120

## II. COURTS; PROCEEDINGS IN GENERAL

A. In General, 2121-2150

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In re Robert Duane Bliss, Ch. 7, No. 93-12048KC (Bankr. N.D. Iowa Dec. 30, 1994) (sanctions for failure to appear)

In re Robert Duane Bliss, Ch. 7, No. 93-12048KC (Bankr. N.D. Iowa Dec. 1, 1994) (rule to show cause)

Bockes Brothers Farms v. Farmland Financial (In re Bockes Brothers Farms, Inc.), Ch. 11, No. 93-60881KW, Adv. 93-6104KW (Bankr. N.D. Iowa March 4, 1994) (protective order re deposition of party's attorney)

B. Actions and Proceedings in General, 2151-2180

Eide v. Haas (In re H & W Motor Express Co.), Ch. 7, No. 02-02017, Adv. 04-9106 (Bankr. N.D. Iowa Sep. 15, 2004) (default judgment vacated)

Iowa Oil Co. v. T Mart Inc. (In re Iowa Oil Co.), Ch. 7, No. 03-00418, Adv. 03-9058, 2003 WL 22077865 (Bankr. N.D. Iowa Aug. 29, 2003) (default judgment vacated, conditioned on posting bond)

Schnittjer v. Alliant Energy Co. (In re Shalom Hospitality Inc.), Ch. 7, No. 02-00276, Adv. 02-9122, 293 B.R. 211 (Bankr. N.D. Iowa May 14, 2003) (expert testimony admitted)

In re Robin & Susan Hupton, Ch. 7, No. 02-02159, 287 B.R. 438 (Bankr. N.D. Iowa Dec. 19, 2002) (reconsideration of order denied)

Durns v. Dawson (In re Sarah E. Dawson), Ch. 7, No. 00-01534-W, Adv. 00-9121-W (Bankr. N.D. Iowa June 20, 2001) (delayed service of summons approved)

KBHS Broadcasting Co. v. Sanders (In re John Bozeman), Ch. 7, 226 B.R. 627 (B.A.P. 8<sup>th</sup> Cir. 1998) (relation-back of amendments to pleadings)

Terpstra v. Koehring Crane Co. (In re Iowa Iron Works), Ch. 7, No. 94-11378C, Adv. 96-1231C (Bankr. N.D. Iowa Nov. 21, 1997) (default judgment not set aside)

Robey v. Kaufman (In re Mark William Kaufman), Ch. 7, No. 94-20551KD, Adv. 94-2094KD (Bankr. N.D. Iowa Dec. 9, 1994) (separate document for amended pleadings)

Farmers Savings Bank & Trust v. Caslavka (In re Lon Michael Caslavka), Ch. 7, No. 92-12304LC, Adv. 93-1049LC (Bankr. N.D. Iowa March 31, 1994) (Federal rate of interest applied post-judgment)

Hoth v. Wells (In re William E. Wells, Jr.), Ch. 7, No. L-90-02393C, Adv. L-92-0076C (Bankr. N.D. Iowa March 29, 1994) (dischargeability re misrepresentation)

#### C. Costs and Fees, 2181-2200

FL Receivables Trust 2002-A v. Gilbertson Restaurants, LLC, et al (In re Gilbertson Restaurants, LLC et al), Ch. 11, No. 04-00385 et al, Adv. 04-9061, 2005 WL 994023 (Bankr. N.D. Iowa Apr. 26, 2005) (considering sanctions for improperly naming a party as defendant)

In re Scott Allan Garrison, Ch. 7, No. 97-03688-W (Bankr. N.D. Iowa March 16, 1998) (no costs awarded to creditor in motion for relief from stay)

### III. THE CASE, 2201-2360

#### A. In General, 2201-2220

In re Vernon Wayne Cooper, Ch. 7, No. 02-03566 (Bankr. N.D. Iowa Jan. 6, 2003) (issuance of new summons, not dismissal, is appropriate after initial summons served late)

#### B. Debtors, 2221-2250

In re Paul and Sandra Koppes, Ch. 12, No. 99-01748-D, 2000 WL 150836 (Bankr. N.D. Iowa Jan. 6, 2000) ("engaged in farming" eligibility for Chapter 12)

In re Mary Ann Pierce, Ch. 13, No. 94-60737KW (Bankr. N.D. Iowa July 27, 1994) ("chapter 20"; spouse's income used to fund debtor's Chapter 13 plan), appeal withdrawn

In re Darrin T. Palmer, Ch. 13, No. 93-21509KD (Bankr. N.D. Iowa Dec. 1, 1993) (eligibility for Chapter 13, impact of postpetition reduction of debt)

In re Leon and Karen Funke, Ch. 12, No. 93-21255KD (Bankr. N.D. Iowa Oct. 21, 1993) (farmer debtor eligibility; successive filings improper)

In re James and Julie Eckenrod, Ch. 13, No. 93-60178LW (Bankr. N.D. Iowa Aug. 19, 1993) (§ 109(e))

In re Paul and Teresa Bishop, Ch. 7, No. 93-60176LW (Bankr. N.D. Iowa June 29, 1993) ("engaged in farming")

#### C. Voluntary Cases, 2251-2280

In re Andrew H. Schrodemier, Ch. 7, No. 04-04426, 2005 WL 783066 (Bankr. N.D. Iowa Apr. 4, 2005) (dismissal for substantial abuse)

In re Rick & Ann McCahen, Ch. 7, No. 04-03475, 2005 WL 579687 (Bankr. N.D. Iowa Feb. 2, 2005) (dismissal for substantial abuse)

In re Darren & Lisa Franzenberg, Ch. 7, No. 04-03282, 2004 WL 3235824 (Bankr. N.D. Iowa Dec. 30, 2004) (dismissal for substantial abuse)

In re Lance & Susan Schaefer, Ch. 7, No. 03-04583 (Bankr. N.D. Iowa July 29, 2004) (voluntary dismissal not allowed because of prejudice to creditors)

In re Mark & Angela Wessels, Ch. 7, No. 04-00599, 311 B.R. 851 (Bankr. N.D. Iowa June 18, 2004) (dismissed for substantial abuse)

In re Ronald & Sharon Zuehlke, Ch. 7, No. 03-01398, 298 B.R. 610 (Bankr. N.D. Iowa Aug. 13, 2003) (dismissed for substantial abuse)

In re Chuck and Marie Downin, Ch. 7, No. 02-01379, 284 B.R. 909 (Bankr. N.D. Iowa Oct. 7, 2002) (dismissed for substantial abuse)

In re Robert Butler, Ch. 7, No. 01-03843, 277 B.R. 917 (Bankr. N.D. Iowa May 14, 2002) (dismissal for substantial abuse)

In re James & Pamela Elliott, Ch. 7, No. 02-00227, 2002 WL 970410 (Bankr. N.D. Iowa May 3, 2002) (dismissal for substantial abuse)

In re David & Dorothy Zimmerman, Ch. 7, No. 02-00782 (Bankr. N.D. Iowa May 3, 2002) (dismissal for substantial abuse)

In re Christy Achey, Ch. 7, No. 02-00058, 2002 WL 539036 (Bankr. N.D. Iowa Apr. 8, 2002) (voluntary dismissal denied where Debtor had failed to disclose inheritance)

In re Keith & Sally Beckel, Ch. 7, No. 01-02076-D, 268 B.R. 179 (Bankr. N.D. Iowa Oct. 17, 2001) (substantial abuse dismissal determined by examining discretionary spending)

In re Alan Harger, Ch. 7, No. 01-02466-C, 267 B.R. 848 (Bankr. N.D. Iowa Oct. 3, 2001) (substantial abuse dismissal)

In re Michael and Linda Kressig, Ch. 7, No. 00-02247-D (Bankr. N.D. Iowa Oct. 18, 2000) (dismissal for substantial abuse)

In re Hartsel and Ginger Shirley, Ch. 7, No. 99-02365-W, 2000 WL 150835 (Bankr. N.D. Iowa Jan. 5, 2000) (substantial abuse dismissal)

In Re Galen and Jennifer Reynolds, Ch. 7, No. 99-02132-C (Bankr. N.D. Iowa Nov. 3, 1999) (dismissal for substantial abuse)

In re Michael Long, Ch. 7, No. 99-01561-C (Bankr. N.D. Iowa Sept. 27, 1999) (dismissal of case involving multiple bad check debts)

In re Kristen Sue Damge, Ch. 7, No. 98-03694-W (Bankr. N.D. Iowa April 4, 1999) (voluntary dismissal)

In re James and Nancy Hogan, Ch. 7, No. 99-00047-D (Bankr. N.D. Iowa March 11, 1999) (dismissal for substantial abuse)

In re James Paulsen, Ch. 7, No. 96-60964KC (Bankr. N.D. Iowa Jan. 9, 1997) (dismissal of Chapter 7 petition)

In re Steven and Carmen Rieger, Ch. 7, No. 94-12006KC (Bankr. N.D. Iowa May 19, 1995) (dismissal for bad faith; sanctions), aff'd and appeal dismissed, No. C95-241 (N.D. Iowa Feb. 22, 1996)

In re Mary Anne Reed, Ch. 7, No. 94-61109KW (Bankr. N.D. Iowa Oct. 11, 1994) (dismiss Chapter 7 because of ability to fund Chapter 13 plan)

D. Involuntary Cases, 2281-2310



In re N2N Incorporated, Ch. 7, No. 98-01666-C (Bankr. N.D. Iowa July 31, 1998) (curing defects in involuntary petition)

In re KOCR-TV, Inc., Ch. 7, No. 95-11128KC (Bankr. N.D. Iowa Sept. 26, 1995) (dismissal of involuntary petition; bona fide dispute)

In re Earl K. Kilberger, Ch. 7, No. 94-11870KC (Bankr. N.D. Iowa Feb. 3, 1995) (abstain from two-party dispute in involuntary bankruptcy)

E. Joint Cases, 2311-2320

In re Vernon Cooper, In re Connie Ann Cooper, Ch. 7, No. 02-03566, No. 03-00235, 2003 WL 1965711 (Bankr. N.D. Iowa Apr. 7, 2003) (cases not consolidated; deadlines addressed)

F. Schedules and Statement of Affairs, 2321-2330

G. Conversion, 2331-2340

In re Kandy Ryan, Ch. 7, No. 01-01623-C, 267 B.R. 635 (Bankr. N.D. Iowa September 26, 2001) (conversion to Chapter 11 vs. substantial abuse dismissal)

In re Richard Sires, Ch. 7, No. 96-60777KW (Bankr. N.D. Iowa Feb. 29, 1997) (revoking Ch. 7 discharge; converting after discharge)

H. Cases Ancillary to Foreign Proceedings, 2341-2360

IV. EFFECT OF BANKRUPTCY RELIEF; INJUNCTION & STAY, 2361-2490

A. In General, 2361-2390

In re Joan Loehr, Ch. 7, No. 96-12235-C (Bankr. N.D. Iowa April 14, 1998) (contempt award for violation of discharge injunction)

B. Automatic Stay, 2391-2420

In re David Richard Calhoun, Ch. 7, No. 04-00859, 312 B.R. 380 (Bankr. N.D. Iowa June 24, 2004) (entities protected by automatic stay)

Swanson v. Glaser (In re Charles E. Glaser), Ch. 7, No. 00-01218-C, Adv. 00-9113-C (Bankr. N.D. Iowa Nov. 27, 2000) (unsecured creditor holding foreign judgment not entitled to sell property)

J.E. Adams Indus. v. Aurora Nat'l Life (In re J.E. Adams Indus.), Ch. 7, No. 98-00167-C, Adv. 00-9056-C (Bankr. N.D. Iowa Sept. 20, 2000) (postpetition lapse of life insurance policy violated automatic stay), rev'd N.D. Iowa Sep. 28, 2001

J.E. Adams Indus. v. NBD Equip. Finance, Inc. (In re J.E. Adams Indus.), Ch. 7, No. 98-00167-C, Adv. 98-9295-C (Bankr. N.D. Iowa May 13, 1999) (injunction of action against officers denied)

Hegg v. Dunbar (In re David and Elaine Hegg), Ch. 13, No. 95-62467KW, Adv. 96-6034KW (Bankr. N.D. Iowa Sept. 30, 1996) (contract forfeiture as violation of automatic stay, election of remedies)

In re National Cattle Congress, Inc., Ch. 11, No. 93-61986KW, 179 B.R. 588 (Bankr. N.D. Iowa Jan. 20, 1995) (license revocation as violation of automatic stay), aff'd N.D. Iowa Oct. 20, 1995, remanded 91 F.3d 1113 (8th Cir. 1996)

Larken Hotels v. State of North Dakota (In re Larken Hotels Limited Partnership), Ch. 11, No. 94-10388KC, Adv. 94-1027KC (Bankr. N.D. Iowa April 6, 1994) (temporary injunction of criminal proceedings denied)

In re Ricky and Cristie Drahos, Ch. 13, No. 93-60924KW (Bankr. N.D. Iowa Oct. 5, 1993) (debtors' home necessary for effective reorganization)

C. Relief from Stay, 2421-2460

In re Chris & Beth Cullen, Ch. 7, No. 05-01508, 329 B.R. 52 (Bankr. N.D. Iowa Aug. 16, 2005) (damages awarded for violation of automatic stay by placing indefinite hold on accounts)

In re Carroll's Wine Co., Ch. 11, No. 05-00961 (Bankr. N.D. Iowa July 20, 2005) (stay lifted to allow lessors to pursue related state court litigation)

In re Paul Kramer, Ch. 7, No. 04-02900, 2004 WL 3019466 (Bankr. N.D. Iowa Dec. 7, 2004) (request for annulment of automatic stay to rehabilitate judgment denied)

In re Gilbertson Restaurants LLC, Ch. 11, No. 04-00385, 2004 WL 1724876 (Bankr. N.D. Iowa May 20, 2004) (monthly payment, regular maintenance of equipment and insurance provide adequate protection)

In re Paul and Janice Kramer, Ch. 7, No. 03-02832 (Bankr. N.D. Iowa Nov. 10, 2003) (cause exists for relief from stay for U.S. to foreclose on real estate)

In re Shalom Hospitality, Inc., Ch. 11, No. 02-00276 (Bankr. N.D. Iowa May 8, 2002) (relief from stay granted for forfeiture of real estate contract)

In re Brazelton Cedar Rapids Group, LC, Ch. 11, No. 00-02300-C (Bankr. N.D. Iowa Jan. 5, 2001) (adequate protection provided)

In re Kearney Partnership, Ch. 12, No. 99-03131-D (Bankr. N.D. Iowa Dec. 16, 1999) (modification of stay to complete sheriff's sale)

In re Martin R. Bielenberg, Ch. 12, No. 97-03063-S (Bankr. N.D. Iowa Jan. 26, 1998) (equipment lease as contract creating security interest)

In re Ernest and Patricia Higgins, Ch. 13, No. 97-10108-C (Bankr. N.D. Iowa Oct. 7, 1997) (relief from lifting stay for mistake or inadvertence)

In re Donald and Kari Scribner, Ch. 7, No. 96-61972KW (Bankr. N.D. Iowa Oct. 7, 1996) (prepetition forfeiture grounds for lifting automatic stay)

In re Kenneth & Warren Contracting Co., Ch. 11, No. 96-61400KW (Bankr. N.D. Iowa July 19, 1996) (relief from stay)

In re Ricki and Mary Ann Engelby, Ch. 13, No. 96-10008KC (Bankr. N.D. Iowa June 28, 1996) (relief from stay for post-petition, pre-confirmation default)

In re Earl and Fay Robertson, Ch. 11, No. 94-11876KC (Bankr. N.D. Iowa Feb. 10, 1995) (relief from stay; no equity, necessary for reorganization)

In re Rausch Brothers Partnership, Ch. 11, No. L90-00151W (Bankr. N.D. Iowa Sept. 14, 1994) (real estate contract forfeiture included irrigation equipment)

In re Leonard W. and Maryan Dostal, Ch. 11, No. 94-10108KC (Bankr. N.D. Iowa March 31, 1994) (relief from stay based on bad faith in filing petition)

In re IGWT Trust, Ch. 11, No. 93-61439KW (Bankr. N.D. Iowa Sept. 7, 1993) (lift stay regarding forfeited real estate)

In re Terry L. Gearhart, Ch. 7, No. 93-10494LC (Bankr. N.D. Iowa Aug. 18, 1993) (no authority to reimpose stay once it has been lifted)

In re Bockes Brothers Farms, Inc., Ch. 11, No. 93-60881KW (Bankr. N.D. Iowa July 26, 1993) (forfeiture of real estate contract completed prepetition)

In re Karl J. Zweibahmer, Ch. 11, No. 93-60650LW (Bankr. N.D. Iowa May 20, 1993) (stay applies to appellate proceedings)

D. Enforcement of Injunction or Stay, 2461-2480

In re Ragan C. Craig, Ch. 7, No. 04-03870, 325 B.R. 804 (Bankr. N.D. Iowa May 26, 2005) (collection letters directed at non-debtor spouse did not violate discharge injunction)

In re Jason and Shawna Mehaffy, Ch. 7, No. 04-04762, 2005 WL 831805 (Bankr. N.D. Iowa Apr. 11, 2005) (cashing check postpetition constitutes voidable transfer)

In re Paul Kramer, Ch. 7, No. 04-02900, 2005 WL 579696 (Bankr. N.D. Iowa Feb. 23, 2005) (postpetition contacts with Debtor violated automatic stay)

In re Thomas Wolfe, Ch. 7, No. 04-04323, 2005 WL 579690 (Bankr. N.D. Iowa Feb. 2, 2005) (attempts to cash Debtor's check postpetition violated automatic stay)

In re Donald & Jody Merfeld, Ch. 7, No. 04-03162, 2005 WL 579731 (Bankr. N.D. Iowa Feb. 2, 2005) (postpetition collection letter violated automatic stay)

In re Paul Kramer, Ch. 7, No. 04-02900, 2004 WL 3235823 (Bankr. N.D. Iowa Dec. 16, 2004) (mailing property tax bill postpetition did not violate automatic stay)

In re Paul Kramer, Ch. 7, No. 04-02900, 2004 WL 3235815 (Bankr. N.D. Iowa Dec. 16, 2004) (letter stating tax liability and notice of assessment is excepted from automatic stay)

In re Paul Kramer, Ch. 7, No. 04-02900, 2004 WL 3235823 (Bankr. N.D. Iowa Dec. 14, 2004) (violation of stay was not willful where Debtor listed inaccurate address for the IRS)

In re Paul Kramer, Ch. 7, No. 04-02900, 2004 WL 3235822 (Bankr. N.D. Iowa Dec. 13, 2004) (no violation of automatic stay where Debtor had no interest in property subject to state court proceedings)

In re Paul Kramer, Ch. 7, No. 04-02900 (Bankr. N.D. Iowa Dec. 9, 2004) (traffic citation excepted from automatic stay)

In re Loren & Patricia Reisen, Ch. 7, No. 03-01999, 2004 WL 764628 (Bankr. N.D. Iowa March 4, 2004) (stay violations were inadvertent)

Lankford v. Advanced Equities, Inc. (In re John & Sha Lankford), Ch. 7, No. 03-02885, Adv. 03-9221, 305 B.R. 297 (Bankr. N.D. Iowa Jan. 20, 2004) (sanctions entered for landlord's FED action)

In re Susan & Aaron Joens, Ch. 7, No. 03-02077, 2003 WL 22839822 (Bankr. N.D. Iowa Nov. 21, 2003) (undersecured creditor violated automatic stay)

In re Kevin & Karri Hromidko, Ch. 7, No. 03-03544, 302 B.R. 629 (Bankr. N.D. Iowa Nov. 21, 2003) (stay violated by contacts with debtor's employer which were especially egregious)

In re Sharlene See, Ch. 7, No. 03-01975, 301 B.R. 554 (Bankr. N.D. Iowa Nov. 20, 2003) (bank failed to appear for hearing; motion to alter or amend denied), *aff'd*, No. C03-151 LRR (N.D. Iowa Apr. 14, 2004)

In re Sharlene See, Ch. 7, No. 03-01975, 301 B.R. 549 (Bankr. N.D. Iowa Oct. 28, 2003) (garnishment of funds violates automatic stay)

In re Edward & Janet Alcock, Ch. 7, No. 02-03640, 2003 WL 22110446 (Bankr. N.D. Iowa Sep. 11, 2003) (sanctions for violation of automatic stay)

In re Terri J. Goodfellow, Ch. 7, No. 02-04467, 298 B.R. 358 (Bankr. N.D. Iowa Sep. 3, 2003) (sanctions for violation of automatic stay)

In re Robert & Diane Graves, Ch. 7, No. 02-04233, 2003 WL 21781968 (Bankr. N.D. Iowa July 29, 2003) (sanctions for violation of automatic stay)

In re Jonas & Julia Bandy, Ch. 7, No. 03-00753, 2003 WL 21781995 (Bankr. N.D. Iowa July 29, 2003) (sanctions for violation of automatic stay)

In re Robert & Diane Graves, Ch. 7, No. 02-04233, 2003 WL 21277169 (Bankr. N.D. Iowa May 30, 2003) (post-discharge injunction not applicable to prepetition contacts by creditor)

In re Jonas & Julia Bandy, Ch. 7, No. 03-00753, 2003 WL 21277167 (Bankr. N.D. Iowa May 30, 2003) (post-discharge injunction not applicable to prepetition contacts by creditor)

Adams v. Peterson (In re Daniel & Heather Adams), Ch. 7, No. 01-02576, Adv. 01-9226, 2002 WL 844350 (Bankr. N.D. Iowa Apr. 19, 2002) (landlord ordered to return waterbed to debtors; no contempt found)

In re Lisa Hoftender, Ch. 7, No. 01-02370-D (Bankr. N.D. Iowa Nov. 7, 2001) (damages awarded where creditor filed small claims action postpetition)

In re Charlene Schrodt, Ch. 7, No. 00-00526-D (Bankr. N.D. Iowa July 26, 2000) (sanctions for violation of the stay and the Consumer Credit Code)

In re John and Lee Ann Tomlinson, Ch. 13, No. 95-62170-W (Bankr. N.D. Iowa May 5, 1998) (sanctions for violation of automatic stay)

In re Kurtis Smith, Ch. 7, No. 97-01110-C (Bankr. N.D. Iowa Oct. 7, 1997) (damages appropriate for violation of discharge injunction)

In re James and Tarry Prine, Ch. 13, No. 97-01232-D, 222 B.R. 610 (Bankr. N.D. Iowa Sept. 4, 1997) (perfection of mortgage in violation of stay is void)

In re William and Mikki Lint, Ch. 7, No. 96-12137KC (Bankr. N.D. Iowa April 4, 1997) (violation of automatic stay; oral notice of case)

In re Larry Brenneman, Ch. 7, No. 93-11514KC (Bankr. N.D. Iowa Jan. 6, 1997) (credit reporting service did not violate discharge injunction), appeal withdrawn

In re Mark Alan French, Ch. 7, No. 95-20770KD (Bankr. N.D. Iowa July 25, 1995) (violation of automatic stay)

In re Jeffrey Roche, Ch. 7, No. 93-10546LC (Bankr. N.D. Iowa June 10, 1993) (no actual damages proven from violation of stay)

E. Protection of Utility Service, 2481-2490

V. THE ESTATE, 2491-2760

A. In General, 2491-2510

B. Title and Rights of Trustee or Debtor in Possession, in General, 2511-2530

C. Property of Estate in General, 2531-2570

In re Alysia Marburger, Ch. 7, No. 04-02390 (Bankr. N.D. Iowa Sep. 27, 2004) (engagement ring is property of former fiancé)

Iowa Oil Co. v. Citgo Petroleum Corp. (In re Iowa Oil Co.), Ch. 11, No. 03-00418, Adv. 03-9057 (Bankr. N.D. Iowa Dec. 12, 2003) (setoff claim inferior to perfected security interest), aff'd in part, rev'd in part, and remanded, 2004 WL 2326377 (N.D. Iowa Sept. 30, 2004)

In re Robin & Susan Hupton, Ch. 7, No. 02-02159, 287 B.R. 438 (Bankr. N.D. Iowa Nov. 25, 2002) (annuity contract is property of the estate)

Emerson Mattress, Inc. v. Associates Leasing, Inc. (In re Emerson Mattress, Inc.), Ch. 11, No. 95-12358-KC, Adv. 99-9052-C (Bankr. N.D. Iowa Nov. 19, 1999) (title to leased vehicles after payment of residual value), appeal dismissed

Huisinga v. Licup (In re Kathleen Licup), Ch. 7, No. 98-02385-C, Adv. 98-9313-C (Bankr. N.D. Iowa Sept. 22, 1999) (determining Debtor's interest in Arizona real estate; fraudulent transfers)

In re National Cattle Congress, Ch. 11, No. 97-03581-W (Bankr. N.D. Iowa May 13, 1999) (objection to claim to fund), appeal dismissed

Fokkena v. Nicola (In re David West), No. 97-02206-W, Adv. 97-9194-W (Bankr. N.D. Iowa April 15, 1998) (enforcing settlement agreement)

In re Connie June Meyer, Ch. 7, No. 95-62169-W (Bankr. N.D. Iowa Jan. 26, 1998) (U.S. Savings bonds are property of the estate)

In re Cynthia Climer, Ch. 7, No. 97-01864-C (Bankr. N.D. Iowa Nov. 26, 1997) (funds from prepetition garnishment returned to Clerk of Court)

In re Raymond and Beulah Odegard, Ch. 7, No. 96-22839-D (Bankr. N.D. Iowa July 9, 1997) (self-settled “irrevocable” burial trusts included in estate)

In re Larken Hotels Limited Partnership, Ch. 11, No. 94-10388KC (Bankr. N.D. Iowa June 3, 1996) (reopening to disclose asset postconfirmation)

In re David and Heidi Zulaica, Ch. 7, No. 95-22000KD (Bankr. N.D. Iowa March 6, 1996) (reenlistment bonus is not property of estate)

First National Bank v. Cregar's Autowerks (In re Cregar's Autowerks, Inc.), Ch. 7, No. L92-00872C, Adv. 92-1181LC (Bankr. N.D. Iowa May 12, 1994) (abandonment of car to equitable owner)

In re Bockes Brothers Farms, Ch. 11, No. 93-60881KW (Bankr. N.D. Iowa Sept 16, 1993) (extent of lien in property repossessed and sold prepetition)

In re Gordon and Mary Jo Kunkle, Ch. 7, No. 93-60077LW, 1993 WL 767974 (Bankr. N.D. Iowa June 4, 1993) (ERISA-qualified plan is not property of the estate)

#### D. Liens and Transfers; Avoidability, 2571-2600

Eide v. Lex (In re H & W Motor Express), Ch. 7, No. 02-02017, Adv. 04-9099, 2005 WL 1629798 (Bankr. N.D. Iowa June 22, 2005) (postpetition wire transfers to compensate for services rendered prepetition not avoidable)

Schnittjer v. Chelsea Savings Bank (In re Pusteoska), Ch. 7, No. 04-03715, Adv. 05-9012, 2005 WL 856769 (Bankr. N.D. Iowa April 12, 2005) (avoidance of vehicle lien not timely perfected)

In re Dino & Dawn Rubino, Ch. 7, No. 04-00706, 2004 WL 1701105 (Bankr. N.D. Iowa May 28, 2004) (homestead not exempt from judgment for installation of above-ground pool)

Schnittjer v. John Deere Community Credit Union (In re Kohlmeyer), Ch. 7, No. 02-01557, Adv. 02-9078, 2003 WL 21212609 (Bankr. N.D. Iowa May 14, 2003) (lien from refinancing not avoidable)

Youngblut v. John Deere Community Credit Union (In re Kohlmeyer), No. 02-01557, Adv. 02-9078, 2002 WL 31324150 (Bankr. N.D. Iowa Sep. 17, 2002) (summary judgment on avoidance of vehicle denied)

Huisinga v. Portfolio Servs., Inc. ( In re Lonny & Diana Orcutt), Ch. 7, No. 01-03265, Adv. 02-9026, 280 B.R. 837 (Bankr. N.D. Iowa May 21, 2002) (avoidance of lien on vehicle)

Youngblut v Solon State Bank Tiffin (In re Ralph & Maria Henry), Ch. 7, No. 01-03369, Adv. 02-9004, 2002 WL 539047 (Bankr. N.D. Iowa Apr. 5, 2002) (avoidance of lien on vehicle)

Hanrahan v. Triad Financial Corp. (In re Betty Merritt), Ch. 7, No. 00-02481-C, Adv. 00-9231-C, 267 B.R. 625 (Bankr. N.D. Iowa August 27, 2001) (enforcement of vehicle lien perfected late)

Hanrahan v. Dupler (In re Myron and Ellen Kloubec), Ch. 7, No. 99-02325-C, Adv. 00-9076-C (Bankr. N.D. Iowa Aug. 3, 2000) (avoidance of unperfected vehicle lien and mortgage)

Hanrahan v. Arcadia Financial Ltd. (In re Gary Scott), Ch. 7, No. 99-01344-C, Adv. 99-9158-C, 245 B.R. 331 (Bankr. N.D. Iowa Jan. 4, 2000) (avoidance of lien noted on title too late)

Youngblut v. Union Bank & Trust Co. (In re Paul and Monica Jerdee), Ch. 7, No. 99-00176, Adv. 99-9117-C (Bankr. N.D. Iowa Dec. 1, 1999) (security interest in vehicle)

In re Rick and Mary Mease, Ch. 7, No. 97-10048-C (Bankr. N.D. Iowa Dec. 1, 1999) (avoidance of lien on homestead)

United States v. Lincoln Savings Bank (In re Commercial Millwright Serv. Corp.), Ch. 7, No. 96-60007-W, Adv. 96-6068-W (Bankr. N.D. Iowa March 22, 1999) (perfection of postconfirmation security interest)

In re Keith A. Konzen, Ch. 7, No. 96-21884D (Bankr. N.D. Iowa Nov. 5, 1997) (validity of attorney's security interest)

In re Kenneth & Warren Contracting Co., Ch. 11, No. 96-61400KW (Bankr. N.D. Iowa Feb. 25, 1997) (validity of out-of-state lien)

In re Robert and Andrea Hayes, Ch. 13, No. 96-21384KD, 1996 WL 138496 (Bankr. N.D. Iowa Dec. 10, 1996) (homestead exemption; recording deed and mortgage on day of petition), appeal denied, 220 B.R. 57 (N.D. Iowa Mar. 12, 1998)

Citizens State Bank v. Holthaus (In re Clifford and Lois Holthaus), Ch. 7, No. 96-61345KW, Adv. 96-6178KW, 1996 WL 944156 (Bankr. N.D. Iowa Dec. 10, 1996) (priority of claims; creditor's standing to avoid lien)



In re Rene Lee Meseraull, Ch. 7, No. 94-11048KC (Bankr. N.D. Iowa Nov. 18, 1994) (lien for debt for improvements on homestead not avoidable), aff'd, N.D. Iowa 7/14/95, aff'd, 82 F.3d 421 (8th Cir. 1996) (table)

In re Bradley L. Shanahan, Sr., Ch. 7, No. 94-11127KC (Bankr. N.D. Iowa Nov. 17, 1994) (lien for preacquisition debt not avoidable), appeal dismissed

In re Ricky Lee Booher, Ch. 13, No. 94-10520KC (Bankr. N.D. Iowa Nov. 15, 1994) (priority of liens)

In re Cheryl K. Parman, Ch. 7, No. 94-10592KC (Bankr. N.D. Iowa Sept. 2, 1994) (homestead is exempt from ex-spouse's claim under dissolution decree)

In re Paul and Teresa Bishop, Ch. 7, No. 93-60176LW (Bankr. N.D. Iowa Oct. 21, 1993) (novation extinguishes purchase money interest)

#### E. Preferences, 2601-2640

Schnittjer v. First Security State Bank et al (In re Rounds), Ch. 7, No. 05-01142, Adv. 05-9059, 328 B.R. 132 (Bankr. N.D. Iowa July 20, 2005) (summary judgment denied because of issues regarding validity of assignment of note)

Schnittjer v. Adams (In re Bronson), Ch. 7, No. 03-04491, Adv. 04-9033, 2004 WL 1729450 (Bankr. N.D. Iowa July 29, 2004) (admission shows lack of insolvency, summary judgment granted)

Hanrahan v. Hills Bank & Trust (In re Jennifer & John Meade), Ch. 7, No. 00-00702-C, Adv. 00-9208-C (Bankr. N.D. Iowa Apr. 23, 2001) (lien is avoidable preference to the extent transfer paid down antecedent debt)

Dunbar v. Denton et al (In re Robbins W. Fischer), Ch. 7, No. 96-61088-W, Adv. 98-9132-W, (Bankr. N.D. Iowa Nov. 4, 1998) (approval of settlement; limitation of action)

Lam v. Weymiller (In re Dennis R. Weymiller), Ch. 7, No. 94-20350KD, Adv. 94-2055KD (Bankr. N.D. Iowa Sept. 14, 1994) (mortgage and payments to parents avoided as preferential transfers)

Currell v. McCool & McCool (In re Charles Joseph Matheny), Ch. 7, No. L-92-00520-C, Adv. 93-1059LC (Bankr. N.D. Iowa Aug. 10, 1993) (non-bankruptcy legal fees recovered)

Henry v. American Trust & Savings (In re McGregor Harbor, Inc.), Ch. 7, No. L-92-00234D, Adv. 92-2239LD (Bankr. N.D. Iowa May 28, 1993) (Deprizio analysis followed)

#### F. Fraudulent Transfers, 2641-2670

Hanrahan v. Wilson (In re Wilson), Ch. 7, No. 03-00780, Adv. 04-9016, 2004 WL 2671678 (Bankr. N.D. Iowa Nov. 12, 2004) (Debtor's transfer of commercial property to his wife not avoidable as fraudulent transfer)

Youngblut v. Pepmeyer (In re Robert W. Pepmeyer), Ch. 7, No. 00-02486-C, Adv. 01-9027-C, 275 B.R. 539 (Bankr. N.D. Iowa Feb. 15, 2002) (avoidance of transfer of annuity by change of ownership) , appeal dismissed

Hanrahan v. Vogel (In re Michael and Marsha Vogel), Ch. 7, No. 98-02634-C, Adv. 98-9312-C (Bankr. N.D. Iowa May 21, 1999) (exemption of interest in motorcycle; avoiding transfer)

Cambridge Tempositions v. Cassis (In re Joseph and Joyce Cassis), Ch. 7, No. 97-03206-C, Adv. 98-9021-C, 220 B.R. 979 (Bankr. N.D. Iowa May 4, 1998) (dismissal of complaint for failure to state a claim, lack of standing)

Dunbar v. Stiefel (In re Stiefel), Ch. 7, No. 97-00839-W, Adv. 97-9063-W (Bankr. N.D. Iowa Jan. 8, 1998) (forfeiture of contract as fraudulent transfer)

Schetter v. Fischer (In Re Robbins Fischer), Ch. 7, No. 96-61088-W, Adv. 96-5137-W (Bankr. N.D. Iowa June 27, 1997) (proof of intent to hinder required in fraudulent transfer claim)

Dunbar v. Johnson (In re Robert Grady), Ch. 13, No. 96-20970KD, Adv. 96-2088KD, 202 B.R. 120 (Bankr. N.D. Iowa Oct. 24, 1996) (contract forfeiture as fraudulent transfer)

Terpstra v. Bails (In re Ronald W. Downs, Sr.), Ch. 7, No. 94-11980KC, Adv. 95-1080KC (Bankr. N.D. Iowa Dec. 26, 1995) (no summary judgment on motion for turnover)

Reil v. Stanley (In re Ronald and Kaye Reil), Ch. 11, No. L92-00860W, Adv. L92-0094W (Bankr. N.D. Iowa Dec. 8, 1995) (consigning jewelry to pawnshop as fraudulent transfer)

Hager v. Bockes Brothers Farms (In re Bockes Brothers Farms), Ch. 11, No. 93-60881KW, Adv. 93-6127KW, 1994 WL 910792 (Bankr. N.D. Iowa Jan. 6, 1994) (forfeiture of real estate contract as fraudulent transfer), aff'd, 1994 WL 912213 (N.D. Iowa Apr. 26, 1994), appeal dismissed, 8th Cir. May 3, 1995

#### G. Set-off, 2671-2700

In re Stickle Salvage Feed, Inc., Ch. 7, No. 99-02452-C (Bankr. N.D. Iowa Sept. 19, 2000) (correction of postpetition error by Bank authorized), aff'd N.D. Iowa June 25, 2002

In re David William Malek, Ch. 13, No. 95-60479-W (Bankr. N.D. Iowa July 20, 1999) (Coop dividends paid postpetition not subject to setoff.)

#### H. Avoidance Rights, 2701-2740

Fokkena v. Zezulka (In re George and Rose Tripp), Ch. 7, No. 97-03430-W, Adv. 98-9026-W (Bankr. N.D. Iowa April 13, 1998) (unperfected, junior lien not avoidable)

United States v. Lincoln Savings Bank (In re Commercial Millwright Service Corp.), Ch. 7, No. 9560007W, Adv. 96-6068W (Bankr. N.D. Iowa Oct. 27, 1997) (Trustee allowed to amend pleadings)

Reil v. Stanley (In re Ronald B. and Kaye A. Reil), Ch. 11, No. L92-00860W (Bankr. N.D. Iowa Nov. 17, 1994) (motion to amend complaint denied)

I. Reclamation, 2741-2760

VI. EXEMPTIONS, 2761-2820

In re Benjamin Stone, Ch. 7, No. 05-01547, 329 B.R. 860 (Bankr. N.D. Iowa Sep. 6, 2005) (Debtor may claim Wisconsin homestead exemption based on his domicile 180 days prepetition)

In re Garold Sadler, Ch. 7, No. 05-00857, 327 B.R. 654 (Bankr. N.D. Iowa July 29, 2005) (machine shed is exempt as appurtenant to farm homestead; corn is not exempt because Debtor is not feeding livestock)

In re Eugene & Mary Jean Schrandt, Ch. 7, No. 04-04172, 2005 WL 1629728 (Bankr. N.D. Iowa July 11, 2005) (CRP payments not exempt as “public assistance benefits”)

In re Larry Dean Heeren, Ch. 7, No. 04-04127, 324 B.R. 733 (Bankr. N.D. Iowa April 11, 2005) (homestead exempt from lien of dissolution judgment)

In re Frances & Mary Takes, Ch. 7, No. 04-04020, 2005 WL 579696 (Bankr. N.D. Iowa Mar. 8, 2005) (appealed to U.S. District Court) (homestead right began with residency agreement, predating creditor’s claims)

In re Lawrence & Janet McCabe, Ch. 7, No. 02-00250, 299 B.R. 564 (Bankr. N.D. Iowa Sep. 3, 2003) (one-half acre homestead limitation enforced)

In re Charlene D. White, Ch. 13, No. 02-04050, 293 B.R. 1 (Bankr. N.D. Iowa Apr. 17, 2003) (homestead exemption transfers to new property)

In re Mary Buelow, No. 02-01388, 287 B.R. 446 (Bankr. N.D. Iowa Dec. 19, 2002) (vehicle not exempt to extent voluntary lien avoided)

In re Gordon & Dixie Powers, Ch. 7, No. 98-03616, 286 B.R. 726 (Bankr. N.D. Iowa Dec. 2, 2002) (homestead exempt from judgment against one of the spouses)

In re Lawrence & Janet McCabe, Ch. 7, No. 02-00250, 280 B.R. 841 (Bankr. N.D. Iowa June 17, 2002) (exemption of shotgun, IRAs)

In re Henry & Pamela Banke, Ch. 7, No. 01-01281-W, 268 B.R. 541 (Bankr. N.D. Iowa Oct. 19, 2001) (time limits for objecting to exemption not “mere technicalities”)

In re Henry & Pamela Banke, Ch. 7, No. 01-01281-W, 267 B.R. 852 (Bankr. N.D. Iowa Oct. 4, 2001) (objection to exemption not timely)

In re Kimberly Hurd, Ch. 7, No. 01-01560-D (Bankr. N.D. Iowa Oct. 3, 2001) (Wisconsin debtor voluntarily abandoned homestead)

In re Robert W. Pepmeyer, Ch. 7, No. 00-02486-C (Bankr. N.D. Iowa Feb. 14, 2001) (following B.A.P. authority, IRA annuity is not exempt), rev’d 273 B.R. 782 (N.D. Iowa Jan. 7, 2002)

Swanson v. Glaser (In re Charles E. Glaser), Ch. 7, No. 00-01218-C, Adv. 00-9113-C (Bankr. N.D. Iowa Feb. 6, 2001) (preacquisition and dissolution exceptions to homestead exemption), appeal dismissed

In re Daniel James Ellis, Ch. 7, No. 99-00191-D (Bankr. N.D. Iowa Dec. 4, 2000) (support creditor is entitled to priority to the extent she is undersecured), aff’d N.D. Iowa Oct. 29, 2001

Wagner v. Chelsea Savings Bank (In re John and Debra Wagner), Ch. 13, No. 99-02428-C, Adv. 00-9050-C (Bankr. N.D. Iowa Sep. 22, 2000) (motion to amend order denied), aff’d 259 B.R. 694 (B.A.P. 8th Cir. Mar. 13, 2001)

In re John and Debra Wagner, Ch. 13, No. 99-02428-C (Bankr. N.D. Iowa July 27, 2000) (repurchase at auction does not create PMSI)

Wagner v. Chelsea Savings Bank (In re John and Debra Wagner), Ch. 13, No. 99-02428-C, Adv. 00-9050-C (Bankr. N.D. Iowa July 27, 2000) (waiver of homestead exemption of agricultural land), aff’d B.A.P. 8th Cir. Mar. 13, 2001

In re John and Debra Wagner, Ch. 13, No. 99-02428-C (Bankr. N.D. Iowa Feb. 16, 2000) (debtor may exempt tools of trade as mechanic and as farmer)

In re Jon and Elaine Kemmerer, Ch. 7, No. 99-01453-C, 245 B.R. 335 (Bankr. N.D. Iowa Feb. 7, 2000) (IRA annuity is exempt), rev’d 251 B.R. 50 (B.A.P. 8th Cir. July 26, 2000)

In re Kenneth and Joyce Moore, Ch. 7, No. L-90-20041-D (Bankr. N.D. Iowa Jan. 10, 2000) (judgment cannot attach as lien postpetition)

In re Gary Scott, Ch. 7, No. 99-01344-C, 2000 WL 122360 (Bankr. N.D. Iowa Jan. 4, 2000) (exemption of vehicle after avoidance of voluntary lien)

In re Daniel and Judy Holmes, Ch. 7, No. 99-01961-W (Bankr. N.D. Iowa Nov. 22, 1999) (annuity not exempt)

In re Kim and Laura Schlitter, Ch. 7, No. 98-02982-C (Bankr. N.D. Iowa March 22, 1999) (exemption of deferred compensation plan)

In re Carl M. Witt, Jr., Ch. 7, No. 98-03345-C (Bankr. N.D. Iowa March 4, 1999) (vehicle as tool of the trade)

In re Dennis and Lawonna Opel, Ch. 7, No. 98-01862-C (Bankr. N.D. Iowa Sept. 30, 1998) (marital homestead exempt from preacquisition debt)

In re Ted and Deb Mausser, Ch. 7, No. 98-01548-D, 225 B.R. 667 (Bankr. N.D. Iowa Sept. 30, 1998) (lack of notice to government agency; exemption of farm equipment)

In re Paul and Danette Knode, Ch. 7, No. 97-01814-C (Bankr. N.D. Iowa April 3, 1998) (preacquisition lien on homestead not avoidable)

In re Douglas and Karen Crane, Ch. 7, No. 97-02968-C (Bankr. N.D. Iowa Feb. 11, 1998) (replacement ring not exempt as wedding ring)

In re Paul and Danette Knode, Ch. 7, No. 97-01814-C (Bankr. N.D. Iowa Nov. 21, 1997) (non-owning spouse's homestead rights no greater than owner's), aff'd N.D. Iowa Aug. 26, 1998

In re Gail and Timothy Shearer, Ch. 7, No. 97-01020-C (Bankr. N.D. Iowa Aug. 20, 1997) (life insurance for benefit of children exempt)

In re David and Elaine Hegg, Ch. 7, No. 95-62467-W (Bankr. N.D. Iowa July 22, 1997) (turnover of proceeds of exempt property sold prior to conversion)

In re Jeff and Amy Nehl, Ch. 7, No. 97-60192-W (Bankr. N.D. Iowa June 5, 1997) (trustee assertion of home improvement exception to homestead exemption)

In re Tobert and Tina Funk, Ch. 7, No. 97-20462-D (Bankr. ND. Iowa June 4, 1997) (milk check as exempt accrued wages)

In re Larry and Carol Brislawn, Ch. 7, No. 97-10137-C (Bankr. N.D. Iowa May 23, 1997) (joint debtor's exemption rights in spouse's property)

In re Tammy Crouch, Ch. 7, No. 96-23085-D, Bankr. N.D. Iowa May 13, 1997) (earned income credit not exempt), appeal withdrawn

In re Rex and Jeannette Howard, Ch. 7, No. 96-22392KC (Bankr. N.D. Iowa March 7, 1997) (avoiding unperfected lien on car; exemptibility after lien avoidance)

In re Bridget Johnson, Ch. 7, No. 96-61936KW (Bankr. N.D. Iowa Feb. 11, 1997) (exemption of TIAA/CREF annuity payments)

In re Kirstan Lungwitz, Ch. 7, No. 96-22823KD (Bankr. N.D. Iowa Feb. 11, 1997) (exemption of computer and other home office equipment)

In re Charles Nandell, Ch. 7, No. 96-12411KC (Bankr. N.D. Iowa Dec. 13, 1996) (avoidance of stipulated dissolution lien)

In re Michael and Regina Smith, Ch. 7, No. 96-11751KC, 206 B.R. 186 (Bankr. N.D. Iowa Dec. 11, 1996) (breeding stock as tools of trade)

In re Robert and Andrea Hayes, Ch. 13, No. 96-21384KD, 1996 WL 1038496 (Bankr. N.D. Iowa Dec. 10, 1996) (homestead exemption; recording deed and mortgage on day of petition)

In re Lynn and Teresa Worley, Ch. 7, No. 96-10450KC (Bankr. N.D. Iowa Dec. 10, 1996) (judgment lien avoidable; mortgage lien survives)

In re Clifford and Lois Holthaus, Ch. 7, No. 96-61345KW, 1996 WL 1057949 (Bankr. N.D. Iowa Nov. 4, 1996) (exemptions if “engaged in farming”)

Sauer v. Conley (In re Mabel Conley), Ch. 7, No. 95-62047KW, Adv. 95-6195KW (Bankr. N.D. Iowa July 15, 1996) (fraud and defalcation as fiduciary; new homestead)

In re Frederick and Debra Smith, Ch. 7, No. 96-20243KD, 1996 WL 1057948 (Bankr. N.D. Iowa May 7, 1996) (avoidance of lien; debtors “engaged in farming”)

In re Curtis and Cynthia Waterman, Ch. 7, No. 95-61657KW (Bankr. N.D. Iowa Feb. 2, 1996) (vehicles as tools of the trade)

In re Gary and Linda Ackerman, Ch. 7, No. 94-21846KD, 1995 WL 916986 (Bankr. N.D. Iowa April 12, 1995) (exemption of masonry tools of the trade)

In re Leon Francis Hageman, Ch. 7, No. 94-60749KW (Bankr. N.D. Iowa April 5, 1995) (failure to object to lien avoidance)

In re Warren L. Caslavka, Ch. 7, No. 93-10188LC, 179 B.R. 141 (Bankr. N.D. Iowa Feb. 24, 1995) (exemption of proceeds from pension plan distribution)

In re Bradley Shanahan, Sr., Ch. 7, No. 94-11127KC (Bankr. N.D. Iowa Feb. 24, 1995) (avoidance of lien for ex-spouse's attorney fees)

In re Emily Jean Versluis, Ch. 7, No. 94-61420KW (Bankr. N.D. Iowa Jan. 5, 1995) (homestead liable for preacquisition debt)

In re Joseph and Marlene Stevens, Ch. 7, No. 94-10178KC (Bankr. N.D. Iowa July 27, 1994) (exemption of garden tractor as motor vehicle)

In re Lavern and Dorothy Kahler, Ch. 7, No. 94-10285KC (Bankr. N.D. Iowa June 15, 1994) (exemption of farm equipment)

In re T.C. Ersepke, Ch. 7, No. L-92-00541LD, 1993 WL 767975 (Bankr. N.D. Iowa Nov. 30, 1993) (whether dissolution judgment can constitute exempt homestead property)

In re Alan Ray Herron, Ch. 7, No. 92-62288LW (Bankr. N.D. Iowa Nov. 5, 1993) (cause for reopening case; objection to avoidance of judicial lien)

In re John and Mary Weber, Ch. 7, No. 93-11093KC (Bankr. N.D. Iowa Oct. 4, 1993) (invasion of homestead exemption for pre-acquisition debt)

In re David and Laura Winkowitsch, Ch. 7, No. 93-60712LW (Bankr. N.D. Iowa Sept. 20, 1993) (following Streeper, objection to avoidance of lien from pre-acquisition debt)

In re Jerry and Carol Jacobsen, Ch. 7, No. 93-10724LC (Bankr. N.D. Iowa Sept. 8, 1993) (mobile home qualifies for homestead exemption)

In re Louis E. Guynn, Ch. 7, No. L-91-1545C (Bankr. N.D. Iowa Aug. 17, 1993) (remainder interest cannot constitute homestead; amendment to exemptions not allowed)

In re Paul and Teresa Bishop, Ch. 7, No. 93-60176LW (Bankr. N.D. Iowa June 29, 1993) ("engaged in farming")

In re Gordon and Mary Jo Kunkle, Ch. 7, No. 93-60077LW (Bankr. N.D. Iowa June 4, 1993) (household goods include home and lawn maintenance equipment)

## VII. CLAIMS, 2821-3000

### A. In General, 2821-2850

In re John F. Aschtgen, Ch. 7, No. 01-01348, 2002 WL 1842444 (Bankr. N.D. Iowa July 16, 2002) (medical assistance debt to State arose postpetition and is not subject to discharge)

In re Richard and Joyce Dalecky, Ch. 13, No. 96-11561-C (Bankr. N.D. Iowa May 7, 1997) (tax liability as responsible person)

In re Charles Andrew Blinks, Ch. 7, No. 95-10100KC (Bankr. N.D. Iowa April 19, 1996) (allowance of claim; fees for Trustee's attorneys)

In re Robert and Evelyn Brecunier, Ch. 13, No. L89-01142W (Bankr. N.D. Iowa June 13, 1994) (recomputation of property tax)

B. Secured Claims, 2851-2870

In re Jeff & Amy Nehl, Ch. 7, No. 97-60192, 2002 WL 1001001 (Bankr. N.D. Iowa May 14, 2002) (lien unenforceable against agricultural homestead because of lack of required waiver language)

In re Michael & Pamela McAllister, Ch. 7, No. 01-00153-W, 267 B.R. 614 (Bankr. N.D. Iowa August 21, 2001) (priority of competing security interests)

In re J.E. Adams Indus., Ch. 11, No. 98-00167-C (Bankr. N.D. Iowa June 26, 2000) (inclusion of late charges and attorney fees in secured claim)

In re Mork Brothers General Partnership, Ch. 12, No. 99-03289-W (Bankr. N.D. Iowa March 23, 2000) (value of real estate in Chapter 12 case)

In re Myron and Ellen Kloubec, Ch. 12, No. 99-02325-C (Bankr. N.D. Iowa Nov. 15, 1999) (commercially raised fish are collateral for secured claim)

In re J.E. Adams Indus., Inc., Ch. 7, No. 98-00167-C (Bankr. N.D. Iowa May 27, 1999) (lease vs. security agreement)

In re Ronald and Phyllis O'Brien, Ch. 13, No. 98-00545-C (Bankr. N.D. Iowa Oct. 1, 1998) (extent of secured claim of holder of mechanic's lien judgment)

In re Diana Roberts, Ch. 13, No. 97-00855-C, 210 B.R. 325 (Bankr. N.D. Iowa June 18, 1997) (evidence of value of collateral automobile)

In re John and Carol Specht, Ch. 12, No. 96-21022KD, 1997 WL 476660 (Bankr. N.D. Iowa Feb. 26, 1997) (valuation of vehicles)

In re Khalid and Michelle El Khabbaz, Ch. 13, No. 95-22466KD (Bankr. N.D. Iowa April 12, 1996) (property interest in spouse's separate property; IRS lien)

In re Sherilyn Kae Cook, Ch. 13, No. 95-12544KC (Bankr. N.D. Iowa April 1, 1996) (going concern value of retained property)

In re National Cattle Congress, Ch. 11, No. 93-61986KW (Bankr. N.D. Iowa Dec. 26, 1995) (extent of secured claim after sale of part of collateral)



In re Ricky Lee Booher, Ch. 13, No. 94-10520KC (Bankr. N.D. Iowa Mar. 15, 1995) (realtor commission as administrative expense), appeal withdrawn

In re Ricky Lee Booher, Ch. 13, No. 94-10520KC (Bankr. N.D. Iowa Feb. 6, 1995) (attorney fees paid from proceeds of sale under 506(c))

C. Administrative Claims, 2871-2890

In re Tama Beef Packing Inc., Ch. 11, No. 01-03822, 312 B.R. 192 (Bankr. N.D. Iowa June 16, 2004) (administrative expense claim allowed to extent of 3.2% of price to purchase lease) (appealed to B.A.P. 8th Cir., No. 04-6039)

In re Tama Beef Packing Inc., Ch. 7, No. 01-03822, 284 B.R. 889 (Bankr. N.D. Iowa Sep. 10, 2002) (reconsideration of administrative claim denied), rev'd 290 B.R. 90 (B.A.P. 8th Cir. 2003). appeal dismissed 2004 WL 231241 (8th Cir. 2004), on remand, 312 B.R. 192 (Bankr. N.D. Iowa 2004)

In re Tama Beef Packing, Inc., Ch. 7, No. 01-03822, 283 B.R. 274 (Bankr. N.D. Iowa Aug. 20, 2002) (unsuccessful bidder's claim for expenses not administrative expense), rev'd 290 B.R. 90 (B.A.P. 8th Cir. Mar. 21, 2003), appeal dismissed 2004 WL 231241 (8th Cir. 2004), on remand, 312 B.R. 192 (Bankr. N.D. Iowa 2004)

In re Blessing Industries, Inc, Ch. 7, No. 00-00140-W, 263 B.R. 268 (Bankr. N.D. Iowa Apr. 5, 2001) (court refuses to retroactively approve postpetition cash infusion), appeal dismissed

In re Rubber Development, Inc., Ch. 11, No. 98-03432-W, 2000 WL 150834 (Bankr. N.D. Iowa Jan. 4, 2000) (administrative expense on assumption of lease)

In re David Arlo Wirkler, Ch. 13, No. 98-02886-D (Bankr. N.D. Iowa April 19, 1999) (administrative expense claim for use of collateral)

First Nat'l Bank v. Wedemeier, et al (In re Kevin and Kenda Wedemeier), Ch. 7, No. 98-01705-W, Adv. 98-9166-W (Bankr. N.D. Iowa March 4, 1999) (avoidance of farm landlord liens; rent as administrative expense), aff'd in part, rev'd in part, remanded, 239 B.R. 794 (B.A.P. 8th Cir. 1999); aff'd in part, remanded in part 237 F.3d 938 (8th Cir. Jan. 16, 2001); on remand 2001 WL 1725296 (B.A.P. 8th Cir. Feb. 9, 2001)

Lam v. Bossom (In re Dennis R. Weymiller), Ch. 7, No. 94-20350KD, Adv. 95-2039KD (Bankr. N.D. Iowa Sept. 26, 1995) (claim for rent under invalid farm lease)

In re Steven Heitshusen, Ch. 7, No. L-88-00779C (Bankr. N.D. Iowa June 14, 1994) (landlord's claim for rent as administrative expense)

In re Harold Mensching, Ch. 7, No. 92-61313LW (Bankr. N.D. Iowa March 4, 1994) (debtor's attorney fees as administrative expense)

In re Cregar's Autowerks, Inc., Ch. 7, No. L-92-00872C (Bankr. N.D. Iowa Dec. 10, 1993) (rent as necessary expense)

In re ASAP Printing, Inc., Ch. 7, No. 93-60443LW (Bankr. N.D. Iowa Nov. 24, 1993) (whether creditor is entitled to immediate payment of postpetition rent administrative expense claim)

In re ASAP Printing, Inc., Ch. 7, No. 93-60443LW (Bankr. N.D. Iowa July 26, 1993) (rent as administrative expense under § 365(d) (3))

D. Proof; Filing, 2891-2920

In re Jerome Reichenbach, Ch. 13, No. 03-03148, 2004 WL 1718090 (Bankr. N.D. Iowa May 5, 2004) (no distribution from plan where creditor failed to file proof of claim)

In re Dennis and Li-Chuang Sheskey, Ch. 7, No. 99-01697-D263 B.R. 264 (Bankr. N.D. Iowa, Apr. 3, 2001) (claim disallowed based on lack of possession of note)

In re Strayer Seed Farms, Inc., Ch. 7, No. 95-62081-KW (Bankr. N.D. Iowa May 26, 1999) (informal proof of claim)

In re Cedar Valley Feeds, Inc., Ch. 7, No. L-91-00266C (Bankr. N.D. Iowa May 19, 1995) (sufficiency of IRS Proof of Claim)

E. Determination, 2921-2950

In re Wood Floors Import Distributor LLC, Ch. 7, No. 02-04481, 2004 WL 764507 (Bankr. N.D. Iowa Feb. 12, 2004) (Debtor failed to rebut presumptive validity of claims as filed)

In re Internet Navigator, Inc., Ch. 11, No. 01-02353, 293 B.R. 198 (Bankr. N.D. Iowa Apr. 22, 2003) (allow claim of debtor's former attorneys), aff'd 301 B.R. 1 (B.A.P. 8th Cir. 2003)

In re Internet Navigator, Inc., Ch. 11, No. 02-01388, 289 B.R. 133 (Bankr. N.D. Iowa Jan. 28, 2003) (claims are for debt, not capital contributions)

In re Brazelton Cedar Rapids Group, LC, Ch. 11, No. 00-02300-C, 264 B.R. 201 (Bankr. N.D. Iowa May 10, 2001) (allowance of claim, including penalties, interest and attorney fees)

In re Brazelton Cedar Rapids Group, LC, Ch. 11, No. 00-02300-C, 264 B.R. 195 (Bankr. N.D. Iowa May 3, 2001) (objection to proof of claim barred by Rooker-Feldman, claim preclusion)

In re Khalid and Michelle El Khabbaz, Ch. 13, No. 95-22466KD (Bankr. N.D. Iowa March 6, 1996) (procedure for motion to value claim)

Eckhart v. Simon (In Re Carl and Diane Simon), Ch. 12, No. 94-21591KD, Adv. 94-2173KD (Bankr. N.D. Iowa Sept. 26, 1995) (validity of security interest in cattle), appeal dismissed

In re Donald and Mary Ann Pierce, Ch. 7, No. 93-61552KW (Bankr. N.D. Iowa March 4, 1994) (abstention from determination of tax liability)

In re Georgie and Laura Arnold, Ch. 12, No. Y87-00767W (Bankr. N.D. Iowa Feb. 14, 1994) (reconsideration of secured claim after confirmation of plan)

F. Priorities, 2951-3000

In re Dennis Weymiller, Ch. 7, No. 94-20350-D (Bankr. N.D. Iowa March 6, 1998) (late-filed priority claim entitled to distribution)

Dolezal v. United States (In Re Dolezal), Ch. 7, No. 96-11466-C, Adv. 96-6211-W (Bankr. N.D. Iowa June 16, 1997) (marshaling of oversecured creditor's collateral not allowed)

In re Mary E. Kinsel, Ch. 7, No. 94-61501KW (Bankr. N.D. Iowa Jan. 9, 1997) (priority of claims arising from dissolution judgment)

In re Marlin and Diane Nichols, Ch. 13, No. L88-00954W, 1994 WL 932214 (Bankr. N.D. Iowa Sept. 28, 1994) (IRS claim for postpetition taxes in Chapter 13)

VIII. TRUSTEES, 3001-3020

IX. ADMINISTRATION, 3021-3250

A. In General, 3021-3060

In re Thomas Woodward, Ch. 7, No. 04-02290, 314 B.R. 201, 2004 WL 2032317 (Bankr. N.D. Iowa Sep. 1, 2004) (bankruptcy petition preparer defined, sanctioned)

In re John Neal & Debra Martens-Neal, Ch. 7, No. 04-01429, 314 B.R. 198, 2004 WL 2032319 (Bankr. N.D. Iowa Aug. 23, 2004) (liquidation analysis determines redemption value)

In re R.J. Manufacturing Inc., Ch. 11, No. 01-04214, 2003 WL 1943322 (Bankr. N.D. Iowa Apr. 22, 2003) (compromise of litigation approved)

Slipped Disc, Inc. v. CD Warehouse, Inc. (In re Slipped Disc, Inc.), Ch. 11, No. 98-02914-C, Adv. 99-9212-C, 245 B.R. 342 (Bankr. N.D. Iowa Feb. 14, 2000) (arbitration ordered according to contract)

In re Paul and Andra Tompkins, Ch. 7, No. 95-12505KC (Bankr. N.D. Iowa March 6, 1996) (Rule 2004 production of documents)

In re Commercial Millwright Service Corp., Ch. 11, No. 95-60007KW (Bankr. N.D. Iowa Sept. 18, 1995) (notice and due process rights under § 364)

In re Donald and Jeri Boyce, Ch. 7, No. 95-20057KD (Bankr. N.D. Iowa June 16, 1995) (value of secured claim for redemption)

In re Connolly Bros. Masonry, Inc., Ch. 7, No. L92-00555W (Bankr. N.D. Iowa May 25, 1994) (approval of compromise and settlement)

In re Larken Hotel Limited Partnership, Ch. 11, No. 94-10388KC (Bankr. N.D. Iowa April 28, 1994) (retroactive approval denied for postpetition payment of prepetition payroll obligations)

In re Bockes Brothers Farms, Inc., Ch. 11, No. 93-60881KW (Bankr. N.D. Iowa May 26, 1993) (cross-collateralization vs. cross-guarantees)

B. Possession, Use, Sale, or Lease of Assets, 3061-3100

In re Myron and Ellen Kloubec, Ch. 12, No. 99-02325-C, 2000 WL 150837 (Bankr. N.D. Iowa Jan. 11, 2000) (adequate protection of cash collateral)

In re 4810 Building Corp., Ch. 11, No. 99-02444-C and In Re Mary Carroll, Ch. 11, No. 99-02445-C (Bankr. N.D. Iowa Nov. 3, 1999) (sale of real estate prior to confirmation of Chapter 11 plan denied)

In re Strayer Seed Farms, Inc., Ch. 11, No. 95-62081KW (Bankr. N.D. Iowa Jan. 19, 1996) (adequate protection for use of cash collateral)

Eide v. Trolard (In re David Good), Ch. 7, No. L89-01577W, Adv. L90-0187W (Bankr. N.D. Iowa Nov. 28, 1994) (prejudgment interest)

Eide v. Trolard (In re David Good), Ch. 7, No. L89-01577W, Adv. L90-01987W (Bankr. N.D. Iowa Sept. 21, 1994) (proceeds from sale of rifles subject to § 542 turnover)

In re Larken/LICO Properties, Ch. 11, No. 94-10539KC (Bankr. N.D. Iowa Aug. 2, 1994) (adequate protection and hotel revenues)

Dunbar v. City of Cedar Rapids (In re Cedar Rapids Meats, Inc.), Ch. 7, No. L-90-00445C, Adv. 93-1047LC (Bankr. N.D. Iowa Oct. 4, 1993) (distribution of proceeds of sale under § 724(b))

In re Bockes Brothers Farms, Inc., Ch. 11, No. 93-60881KW (Bankr. N.D. Iowa June 10, 1993) (adequate protection of cash collateral)

C. Debtor's Contracts and Leases, 3101-3130

In re Gilbertson Restaurants LLC, Ch. 11, No. 04-00385, 2004 WL 1724880 (Bankr. N.D. Iowa May 25, 2004) (production contract is executory contract)

In re Shalom Hospitality, Inc., Ch. 11, No. 02-00276, 2002 WL 1001000 (Bankr. N.D. Iowa May 9, 2002) (deadline set to assume or reject contract)

In re Tama Beef Packing, Inc., Ch. 7, No. 01-03822, 277 B.R. 407 (Bankr. N.D. Iowa Apr. 19, 2002) (trustee assumes lease and assigns it to one of two competing bidders)

In re Tama Beef Packing, Inc., Ch. 7, No. 01-03822-C (Bankr. N.D. Iowa Mar. 12, 2002) (time to assume or reject lease extended with conditions)

In re Tama Beef Packing, Inc., Ch. 7, No. 01-03822-C (Bankr. N.D. Iowa Feb. 22, 2002) (time to assume or reject lease extended)

In re Midwest Communications, Inc., Ch. 11, No. 98-03559-D (Bankr. N.D. Iowa Jan. 28, 1999) (adequate assurance for assumption of contract)

Horkheimer v. Beier (In re William Beier), Ch. 13, No. 95-60437KW, Adv. 95-6188KW (Bankr. N.D. Iowa April 11, 1996) (interest in property under real estate contract)

In re United States Hockey League, Ch. 11, No. 95-60891KW (Bankr. N.D. Iowa Sept. 14, 1995) (rejection of franchise agreement as executory contract)

In re Bockes Brothers Farms, Inc., Ch. 11, No. 93-60881KW (Bankr. N.D. Iowa Aug. 16, 1994) (cure of executory contract or adequate assurance of prompt cure)

In re Bockes Brothers Farms, Inc., Ch. 11, No. 93-60881KW (Bankr. N.D. Iowa April 4, 1994) (real estate contract in Iowa is executory contract)

#### D. Abandonment, 3131-3150

Wedemeier v. Fokkena (In re Kevin and Kenda Wedemeier), Ch. 7, No. 98-01705-W, Adv. 99-9108-W (Bankr. N.D. Iowa July 28, 2000) (no tax liability where Trustee abandoned crops prior to sale)

#### E. Compensation of Officers and Others, 3151-3250

In re John & Marie McAllister, Ch. 13, No. 04-02249, 2005 WL 2205830 (Bankr. N.D. Iowa Sep. 6, 2005) (approving part of fees requested by debtors' former Chapter 13 attorney)

In re Victoria Josephine Delgado, et al, Ch. 7, No. 04-03283 et al, 2005 WL 1378760 (Bankr. N.D. Iowa June 8, 2005) (dismissing late-filed appeal)

In re Delmar and Betty Gingerich, Ch. 11, No. 03-04663, 2005 WL 831807 (Bankr. N.D. Iowa April 8, 2005) (approving fees of debtors' former Chapter 11 attorney)

In re Victoria J. Delgado et al, Ch. 7, No. 04-03283 et al, 2005 WL 758809 (Bankr. N.D. Iowa April 1, 2005) (considering propriety of petition preparer's activity and fees)

In re On-Line Services, Ltd. LLC, Ch. 7, No. 03-04806, 2004 WL 2671669 (Bankr. N.D. Iowa Oct. 28, 2004) aff'd in part, rev'd in part, remanded, 324 B.R. 342 (B.A.P. 8th Cir. 2005) (considering propriety of compensation paid to debtor's counsel from retainer)

In re Keith & Jo Ellen Jeanes, Ch. 13, No. 01-00760, 2004 WL 1718131 (Bankr. N.D. Iowa July 12, 2004) (attorney had notice fees were subject to disgorgement; motion to reconsider denied)

In re Keith & Jo Ellen Jeanes, Ch. 13, No. 01-00760, 2004 WL 1718093 (Bankr. N.D. Iowa June 17, 2004) (fee disgorgement ordered for billing discrepancies)

In re Vincent Michels, Ch. 12, 13, No. 01-01415, 03-00316, 2004 WL 1718074, Ch. 12, 13, May 10, 2004) (fees allowed in reduced amount; attorney sanctioned for drawing down on retainer without court approval)

In re Gilbertson Restaurants LLC, Ch. 11, No. 04-00385, 2004 WL 1724878 (Bankr. N.D. Iowa May 3, 2004) (adopts "wait and see" approach to potential conflict of interest), appeal dismissed, \_\_\_ B.R. \_\_\_, 2004 WL 2309562 (B.A.P. 8th Cir. Oct. 14, 2004)

In re RJ Manufacturing, Inc., Ch. 11, No. 01-04214, 2004 WL 764669 (Bankr. N.D. Iowa Feb. 26, 2004) (compensation reduced for substantial client "handholding" and other causes of delay)

In re Vincent Michels, Ch. 12, 13, No. 01-01415, 03-00316 (Bankr. N.D. Iowa Dec. 15, 2003) (court reviews all fees in both cases; draw on retainer improper)

In re John Lund, Ch. 13, No. 00-01683 (Bankr. N.D. Iowa Dec. 2, 2003) (reasonableness of fees for Ch. 13 debtor's attorney)

In re Bruce & Deanna Nilges, Ch. 12, No. 99-00326, 2003 WL 22328237 (Bankr. Sep. 15, 2003) (postconfirmation attorney fees limited)

In re Internet Navigator, Inc., Ch. 11, No. 01-02353 (Bankr. N.D. Iowa Apr. 29, 2002) (debtor's former attorney to withdraw as attorney for unsecured creditor)

In re Keith & Jo Jeanes, Ch. 13, No. 01-00760-W (Bankr. N.D. Iowa Dec. 20, 2001) (fees for debtor's attorney)

In re Margaret Bails, Ch. 13, No. 98-02717-C (Bankr. N.D. Iowa Dec. 12, 2001) (additional attorney fees denied)

In re Myron and Ellen Kloubec, Ch. 7, No. 99-02325-C, 251 B.R. 861 (Bankr. N.D. Iowa July 18, 2000) (approval of attorney fees after conversion from Chapter 12 to Chapter 7)

In re Blessing Indus., Inc., Ch. 11, No. 00-00140-W (Bankr. N.D. Iowa May 31, 2000) (compensation for debtor's attorney)

In re Rubber Development, Inc., Ch. 11, No. 98-03432-W (Bankr. N.D. Iowa April 24, 2000) (standards for attorney fees)

In re Kearney Partnership, Ch. 12, No. 99-03131-D (Bankr. N.D. Iowa Dec. 20, 1999) (lowest intermediate balance rule)

In re Cedar Rapids Meats, Inc., Ch. 7, No. L90-00445-C (Bankr. N.D. Iowa June 17, 1999) (aff'd, N.D. Iowa 12/16/99) (trustee compensation)

In re Thomas Digman; In re Ricky and Joann Meade, Nos. 98-00220-C, 98-00322-C (Bankr. N.D. Iowa Aug. 17, 1998) (Chapter 13 Debtor's attorney fees)

In re Patricia Ann Bear, Ch. 7, No. 97-00586-C (Bankr. N.D. Iowa March 4, 1998) (fees for Chapter 7 debtor's attorney)

In re D.C., Inc., Ch. 11, No. 97-01860-W, 1997 WL 33384401 (Bankr. N.D. Iowa Dec. 19, 1997) (sanctions for late application to hire realtors)

In re Carl and Diane Simon, Ch. 12, No. 94-21591KD (Bankr. N.D. Iowa April 23, 1997) (compensation for debtor's counsel)

In re Emerson Mattress, Inc., Ch. 11, No. 95-12358KC (Bankr. N.D. Iowa June 7, 1996) (counsel may not draw down on retainer before approval of fees)

In re Charles Andrew Blinks, Ch. 7, No. 95-10100KC (Bankr. N.D. Iowa April 19, 1996) (allowance of claim; fees for Trustee's attorneys)

In re Randall and Janic Kelchen, Ch. 7, No. 95-11471KC (Bankr. N.D. Iowa March 29, 1996) (fees for debtors' former attorney)

In re National Cattle Congress, Inc., Ch. 11, No. 93-61986KW (Bankr. N.D. Iowa March 26, 1996) (fees for counsel for Unsecured Creditors' Committee)

In re Strayer Seed Farms, Inc., Ch. 11, No. 95-62081KW (Bankr. N.D. Iowa Jan. 9, 1996) (employment of attorney for Unsecured Creditor's Committee)

In re Marlin and Diane Nichols, Ch. 13, No. L88-00954W (Bankr. N.D. Iowa June 6, 1995) (Trustee fee on sale proceeds paid to creditor)

In re Moramerica Financial Corp., Ch. 11, No. 93-10268LC (Bankr. N.D. Iowa May 16, 1994) (compensation of attorney for preparation of fee application)

In re David and Marcia Snook, Ch. 13, No. 92-62249LW (Bankr. N.D. Iowa Jan. 11, 1994) (allowance of fees for debtors' attorney)

X. DISCHARGE, 3251-3440

A. In General, 3251-3270

Nunemaker v. Flickinger (In re Douglas Flickinger), Ch. 7, No. 98-02247-C, Adv. 98-9274-C (Bankr. N.D. Iowa Oct. 20, 1999) (exception to and denial of discharge for fraud regarding corporate assets)

Ewing v. Ewing (In re Larry Carson Ewing), Ch. 7, No. 92-11343LC, Adv. 92-1231LC (Bankr. N.D. Iowa May 21, 1993) (support)

B. Dischargeable Debtors, 3271-3340

U.S. Trustee v. Brewer (In re Brewer), Ch. 7, No. 02-02520, Adv. 03-9204, 2004 WL 1701107 (Bankr. N.D. Iowa May 18, 2004) (discharge not denied)

Schnittjer v. Skillen (In re Skillen), Ch. 7, No. 03-00100, Adv. 03-9118, 2004 WL 764675 (Bankr. N.D. Iowa March 26, 2004) (discharge denied for fraudulent postpetition transfer of property)

U.S. Trustee v. LeBahn (In re Johnathan & Carrie LeBahn), Ch. 7, No. 02-03829, Adv. 03-9062, 2004 WL 726915 (Bankr. N.D. Iowa March 2, 2004) (discharge revoked for sale and failure to disclose interest in race car)

U.S. Trustee v. Cooper (In re Connie Cooper), Ch. 7, No. 03-00235, Adv. 03-9166, 302 B.R. 633 (Bankr. N.D. Iowa Nov. 21, 2003) (discharge complaint timely filed)

Orr v. Derouin (In re Robert Derouin), Ch. 7, No. 01-03189, Adv. 02-9006, 2002 WL 511504 (Bankr. N.D. Iowa Mar. 28, 2002) (untimely complaint opposing discharge and dischargeability dismissed)

Molstad v. Brunken (In re Randall J. Brunken), Ch. 7, No. 00-00235-S, Adv. No. 00-9077-S (Bankr. N.D. Iowa Dec. 5, 2000) (denial of discharge for transfers and inaccurate representations)



Stuart v. Bohnenkamp (In re Kevin and Laura Bohnenkamp), Ch. 7, No. 00-00101-C, Adv. 00-9068-C (Bankr. N.D. Iowa Sept. 7, 2000) (discharge denied for debtor's inaccurate schedules)

Fokkena v. Tripp (In re George and Rose Tripp), Ch. 7, No. 97-03430-W, Adv. 98-9027-W, 224 B.R. 95 (Bankr. N.D. Iowa Aug. 3, 1998) (discharge denied for failure to disclose marijuana)

Schetter v. Fischer (In Re Robbins Fischer), Ch. 7, No. 96-61088-W, Adv. 96-5137-W (Bankr. N.D. Iowa June 27, 1997) (proof of intent to hinder required in fraudulent transfer claim)

In re William P. Krapfl, Ch. 7, No. 94-11535KC (Bankr. N.D. Iowa Aug. 4, 1995) (reopening case to examine debtor re fraud)

In re Roger and Linda Waldrop, Ch. 13, No. L88-10797C (Bankr. N.D. Iowa May 24, 1994) (debtors' request to revoke Chapter 13 discharge)

Tama-Benton Coop v. Hennings (In re Denman and Gwendolyn Hennings), Ch. 11, No. 92-11755LC, Adv. 92-1269LC (Bankr. N.D. Iowa Feb. 8, 1994) (denial of motion to amend judgment; § 727(a) (2) (A) action requires direct proprietary interest in the property transferred)

Firstar Bank v. Ovel (In re Gerald Scott Ovel), Ch. 7, No. L-90-01183C, Adv. L-90-0199C (Bankr. N.D. Iowa Dec. 29, 1993) (aff'd, N.D. Iowa 5/12/95) (overstated inventory and failure to explain loss of inventory)

Tama-Benton Coop v. Hennings (In re Denman and Gwendolyn Hennings), Ch. 11, No. 92-11755LC, Adv. 92-1259LC (Bankr. N.D. Iowa Dec. 22, 1993) (explanation of loss or concealment of third-party's property)

Dolezal v. Thomas (In re Virginia Thomas), Ch. 7, No. L-92-00524C, Adv. L-92-0115C (Bankr. N.D. Iowa Sept. 22, 1993) (aff'd, N.D. Iowa 2/15/94) (objection to discharge denied, creditor to pay debtor's attorney fees)

Agristor Leasing v. Dinsdale (In re Thomas Dinsdale), Ch. 7, No. L-92-00669C, Adv. 92-1131LC, 1993 WL 1112064 (Bankr. N.D. Iowa Sep. 19, 1993) (denial of discharge based on fraudulent transfer), aff'd, 1995 WL 1312673 (N.D. Iowa Apr. 6, 1995)

#### C. Debts and Liabilities Discharged, 3341-3410

In re Daniel Weilein and Sandra LaFave, Ch. 7, No. 04-00667, 328 B.R. 553 (Bankr. N.D. Iowa Aug. 1, 2005) (dischargeability of securities fraud claims under BAPCPA)

Cumberworth v. U.S. Dep't of Education (In re Cumberworth), Ch. 7, No. 02-03946, Adv. 03-9020, 2005 WL 1387981 (Bankr. N.D. Iowa June 8, 2005) (appealed to B.A.P.) (undue hardship discharge of student loan debt)

Dunn v. United States (In re Dunn), Ch. 7, No. 04-01699, Adv. 04-9129, 325 B.R. 807 (Bankr. N.D. Iowa May 31, 2005) (discharge of ROTC loan absolutely barred for five years)

Whitmarsh v. Whitmarsh (In re Whitmarsh), Ch. 7, No. 04-02716, Adv. 04-9174, 2005 WL 1320146 (Bankr. N.D. Iowa May 31, 2005) (dissolution debts not excepted from discharge as support)

Heeren v. Heeren (In re Heeren), Ch. 7, No. 04-04127, Adv. 05-9040, 2005 WL 1200995 (Bankr. N.D. Iowa May 16, 2005) (dischargeability complaint dismissed as not timely filed)

Savoy v. Balm (In re Balm), Ch. 7, No. 04-00055, Adv. 04-9060, 2005 WL 1126844 (Bankr. N.D. Iowa May 10, 2005) (dissolution property debt excepted from discharge)

Wallander v. Wallander (In re Wallander), Ch. 7, No. 04-01064, Adv. 04-9112, 324 B.R. 746 (Bankr. N.D. Iowa May 5, 2005) (dissolution property debt excepted from discharge)

Land O'Lakes Farmland Feed LLC v. Gehl (In re Gehl), Ch. 7, No. 04-00102, Adv. 04-9063, 325 B.R. 269 (Bankr. N.D. Iowa April 11, 2005) (failure to pay for shipments of pigs not excepted from discharge for fraud or willful injury)

Schulstadt v. U.S. Dep't of Education (In re Schulstadt), Ch. 7, No. 04-2128, Adv. 04-9082, 322 B.R. 863 (Bankr. N.D. Iowa April 6, 2005) (student loan not discharged for undue hardship)

Dunkerton Cooperative Elevator v. Bakker (In re Bakker), Ch. 7, No. 04-01036, Adv. 04-9098, 2005 WL 579702 (Bankr. N.D. Iowa Feb. 7, 2005) (service of complaint sufficient)

Stone v. Wade (In re Wade), Ch. 7, No. 03-01568, Adv. 03-9163, 2004 WL 3019461 (Bankr. N.D. Iowa Dec. 29, 2004) (debt from faulty construction work not excepted from discharge)

In re Daniel Weilein & Sandra LaFave, Ch. 7, No. 04-00557, 319 B.R. 175 (Bankr. N.D. Iowa Dec. 29, 2004), appeal dismissed 3/2/05; motion to reconsider granted 7/30/05 (securities fraud claim not excepted from discharge under pre-BAPCPA version of § 523(a)(19))

Smith v. Wheeler (In re Wheeler), Ch. 7, No. 03-00435, Adv. 03-9157, 317 B.R. 783 (Bankr. N.D. Iowa Nov. 22, 2004) (debt from injury while driving truck for debtors' business not excepted from discharge)

Hootman v. United States (In re Hootman), Ch. 7, No. 01-01088, Adv. 03-9011, 2004 WL 2418315 (Bankr. N.D. Iowa Oct. 25, 2004) (student loan not discharged for undue hardship)

Limkemann v. U.S. Dep't of Education (In re Limkemann), Ch. 7, No. 02-03338, Adv. 02-9180, 314 B.R. 190 (Bankr. N.D. Iowa Aug. 9, 2004) (undue hardship discharge of student loan; participation in ICRP not essential)

Savoy v. Balm (In re Balm), Ch. 7, No. 04-00055, Adv. 04-9060, 2004 WL 16377033 (Bankr. N.D. Iowa July 2, 2004) (dismissal of complaint denied; indemnity language in dissolution decree not essential to exception of debt from discharge)

First Nat'l Bank v. Fisher (In re Steven Fisher), Ch. 7, No. 03-00811, Adv. 03-9121, 2004 WL 726909 (Bankr. N.D. Iowa March 1, 2004) (credit card debt discharged), appeal dismissed per stipulation

Kennington v. Johnson (In re Gene Johnson), Ch. 7, No. 02-04336, Adv. 03-9032, 2004 WL 764668 (Bankr. N.D. Iowa Feb. 12, 2004) (dissolution debt discharged)

Brown v. Brown (In re Sandra Brown), Ch. 7, No. 01-02347, Adv. 01-9181, 302 B.R. 637 (Bankr. N.D. Iowa Nov. 24, 2003) (dissolution debt excepted from discharged)

Lee v. O'Shaughnessy (In re O'Shaughnessy), Ch. 7, No. 02-02624, Adv. 02-9159, 2003 WL 22339206 (Bankr. N.D. Iowa Oct. 7, 2003) (nonsupport dissolution debt nondischargeable)

Groth Services v. McDowell (In re McDowell), Ch. 7, No. 03-00717, Adv. 03-9123, 2003 WL 22076527 (Bankr. N.D. Iowa Aug. 20, 2003) (debt from prepetition installations discharged)

Mulherin v. Sallie Mae Serv. Corp. (In re Mulherin), Ch. 7, No. 02-00463, Adv. 02-9069, 297 B.R. 559 (Bankr. N.D. Iowa June 27, 2003) (student loan nondischargeable)

In re Kevin Harbaugh, Ch. 7, No. 02-04484, 2003 WL 21057065 (Bankr. N.D. Iowa May 8, 2003) (late-filed dischargeability complaint dismissed), *aff'd* 301 B.R. 317 (B.A.P. 8th Cir. 2003)

Brewer v. Bartmess (In re Bartmess), Ch. 7, No. 02-02265, Adv. 02-9132, 2003 WL 1943330 (Bankr. N.D. Iowa Apr. 23, 2003) (dissolution credit card nondischargeable)

Sturtz v. Sturtz (In re Sturtz), Ch. 7, No. 02-02057, Adv. 02-9099, 2003 WL 1943325 (Bankr. N.D. Iowa Apr. 22, 2003) (support and nonsupport dissolution debts excepted from discharge)

Hamdorf v. Gritton (In re Gritton), Ch. 7, No. 02-03266, Adv. 02-9152, 2003 WL 1395566 (Bankr. N.D. Iowa Mar. 13, 2003) (debt from fraud excepted from discharge)

In re Morgan and Judith Heister, Ch. 7, No. 01-03094, Adv. 01-9244, 290 B.R. 665 (Bankr. N.D. Iowa Feb. 27, 2003) (debt from sales of tractors discharged)

Mesenbrink v. Eiklenborg (In re Eiklenborg), Ch. 7, No. 01-02297, Adv. 01-9213, 286 B.R. 718 (Bankr. N.D. Iowa Nov. 25, 2002) (support and nonsupport dissolution debts excepted from discharge)

Citibank South Dakota v. Meseck (In re Meseck), Ch. 7, No. 01-00847, Adv. 01-9139, 284 B.R. 901 (Bankr. N.D. Iowa Oct. 7, 2002) (credit card debt excepted from discharge)

Zio Johnos Inc. v. Ziadeh (In re Ziadeh), Ch. 7, No. 01-01059, Adv. 01-9185, 284 B.R. 893 (Bankr. N.D. Iowa Sep. 18, 2002) (damages arising from remodeling contract excepted from discharge)

Yang v. Qin (In re Qin), No. 00-02997, Adv. 01-9042, 285 B.R. 292 (Bankr. N.D. Iowa Sep. 6, 2003) (no express trust proved)

Fairfax State Savings Bank v. McCleary (In re McCleary), Ch. 7, No. 01-02003, Adv. 01-9178, 284 B.R. 876 (Bankr. N.D. Iowa Aug. 28, 2002) (no fraud in debtor's financial statements)

Cavin-Elmore v. Elmore (In re Kelly & Kerry Elmore), Ch. 7, No. 01-03782, Adv. 02-9019, 2002 WL 1842457 (Bankr. N.D. Iowa July 28, 2002) (discharge of support debt)

Schmitz v. Kruger (In re Michael & Diana Kruger), Ch. 7, No. 01-01666, Adv. 01-9268, 2002 WL 1483870 (Bankr. N.D. Iowa July 9, 2002) (fraud from misrepresentations regarding clear title to real estate)

Zio Johnos, Inc. v. Ziadeh (In re Ramon & Linda Ziadeh), Ch. 7, No. 01-01059, Adv. 01-9185, 276 B.R. 614 (Bankr. N.D. Iowa Mar. 26, 2002) (state court summary judgment not preclusive)

Whitlach v. Allgor (In re Tammy Allgor), Ch. 7, No. 01-01484, Adv. 01-9146, 276 B.R. 221 (Bankr. N.D. Iowa Mar. 22, 2002) (nonsupport debt excepted from discharge)

Maynard Savings Bank v. Banke (In re Henry & Pamela Banke), Ch. 7, No. 01-01281, Adv. 01-9157, 275 B.R. 317 (Bankr. N.D. Iowa Mar. 11, 2002) (debt excepted from discharge for wife's fraud; lien does not attach to husband's boat)

Ashby v. Emerson (In re Bradley & Kimberly Emerson), Ch. 7, No. 01-00446-C, Adv. 01-9151-C, 2001 WL 1636439 (Bankr. N.D. Iowa Dec. 14, 2001) (summary judgment not appropriate on dueling affidavits)

John Deere Comm. Credit Union v. Feddersen (In re Allen Feddersen), Ch. 7, No. 00-03300-C, Adv. 01-9044-C, 270 B.R. 733 (Bankr. N.D. Iowa Dec. 11, 2001) (discharge of credit card debt used for business)

Wilson v. Educational Credit Management Corp. (In re David & Jacqueline Wilson), Ch. 7, No. 99-02097-W, Adv. 00-9164-W, 270 B.R. 290 (Bankr. N.D. Iowa Dec. 4, 2002) (debtor failed to prove undue hardship for discharge of student loans)

Durns v. Dawson (In re Sarah Dawson), Ch. 7, No. 00-01534-W, Adv. 00-9121-W, 270 B.R. 729 (Bankr. N.D. Iowa Nov. 14, 2001) (exception from discharge based on debtor's misrepresentations)

Thies v. Iowa Dep't of Revenue & Finance (In re Danny Theis), Ch. 7, No. 99-01885-C, Adv. 00-9230-C, 269 B.R. 212 (Bankr. N.D. Iowa Nov. 5, 2001) (tax nondischargeable as debtor failed to self-report income)

Intra America Seed Serv., Inc. v. Ricki Engelby (In re Ricki & Mary Ann Engelby), Ch. 7, No. 99-01581-C, Adv. 99-9144-C (Bankr. N.D. Iowa Oct. 22, 2001) (PACA does not apply or raise fiduciary responsibilities; debtor did not misrepresent business finances)

El Khabbaz v. Sallie Mae Servicing (In re Khalid & Michelle El Khabbaz). Ch. 7, No. 95-22466-D, Adv. 00-9197-D, 264 B.R. 204 (Bankr. N.D. Iowa June 26, 2001) (student loan debts discharged by plan stating they were more than seven years old)

Durns v. Dawson (In re Sarah E. Dawson), Ch. 7, No. 00-01534-W, Adv. 00-9121-W, 264 B.R. 13 (Bankr. N.D. Iowa June 20, 2001) (sufficiency of complaint to allege fraud)

Meling v. Department of Education (In re Diane Kristin Meling), Ch. 7, No. 99-03008-W, Adv. No. 00-9004-W, 263 B.R. 275 (Bankr. N.D. Iowa Apr. 9, 2001) (student loan debtor proved undue hardship), aff'd 2002 WL 32107248 (N.D. Iowa Jan 22, 2002)

Becker v. Alcorn (In re Bruce and Leah Alcorn), Ch. 7, No. 00-01881-C, Adv. 00-9179-C (Bankr. N.D. Iowa Feb. 22, 2001) (claim for damages to rental property not excepted from discharge)

Scholl v. Nebraska Student Loan Program (In re Don Bradley Scholl), Ch. 7, No. 98-03531-C, Adv. No. 99-9190-C, 259 B.R. 345 (Bankr. N.D. Iowa Jan. 31, 2001) (student loan debtor not entitled to undue hardship discharge prior to exhausting administrative remedies)

Madsen v. Meyer, (In re John & Shelli Meyer), Ch. 7, No. 99-00980-W, Adv. 99-9067-W (Bankr. N.D. Iowa Dec. 27, 2000) (debt from carpentry contract excepted from discharge)

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Walther v. Walther (In re Robert Walther), Ch. 7, No. 99-01768-W, Adv. 99-9172-W (Bankr. N.D. Iowa Sept. 7, 2000) (attorney fee award in dissolution case not in the nature of support)

Modern Marketing v. Vandaver (In re Robert and Anne Vandaver), Ch. 7, No. 99-02175-C, Adv. 99-9188-C (Bankr. N.D. Iowa April 11, 2000) (breach of contract to repair and resell wrecked vehicle)

Union Bank v. Jerdee (In re Paul and Monica Jerdee), Ch. 7, No. 99-00176-C, Adv. 99-9053-C (Bankr. N.D. Iowa April 10, 2000) (no malice shown in conversion of collateral)

Holder v. Green (In re Merle Green), Ch. 7, No. 99-01124-C, Adv. 99-9118-C (Bankr. N.D. Iowa March 14, 2000) (judgment for support plus interest nondischargeable)

Intra America Seed Services, Inc. v. Engelby (In re Ricki and Mary Engelby), Ch. 7, No. 99-01581-C, Adv. 99-9144-C (Bankr. N.D. Iowa March 14, 2000) (fiduciary duty under PACA not established)

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United States v. Mausser (In re Ted and Deb Mausser), Ch. 7, No. 98-01548-D, Adv. 98-9184-D (Bankr. N.D. Iowa Feb. 23, 2000) (conversion of collateral corn not targeted at creditor)

Farmers State Savings Bank v. Randall (In re Larry and Janice Randall), Ch. 7, No. 98-01474-W, Adv. 98-9149-W (Bankr. N.D. Iowa Feb. 22, 2000) (debt exempted from wife's discharge; husband did not make misrepresentation)

Luedtke v. Hodges (In re Willie B. Hodges), Ch. 7, No. 99-02049-C, Adv. 99-9159-C, 271 B.R. 347 (Bankr. N.D. Iowa Feb. 16, 2000) (default judgment entered as discovery sanction has collateral)

McDole v. Arensdorf (In re Deborah Arensdorf), Ch. 7, No. 99-00003-D, Adv. 99-9038-D, 1999 WL 33456230 (Bankr. N.D. Iowa Dec. 16, 1999) (fraud from oral statements)

Universal Bank, N.A. v. Walker (In re Joni Walker), Ch. 7, No. 98-00905-W, Adv. 98-9117-W (Bankr. N.D. Iowa Dec. 15, 1999) (dischargeability of credit card debt)

Nissen v. Meinders (In re Troy Meinders), Ch. 7, No. 99-01226-C, Adv. 99-9140-C (Bankr. N.D. Iowa Oct. 22, 1999) (late-filed dischargeability complaint dismissed)

Hall v. Hall (In re Suzanne Louise Hall), Ch. 7, No. 95-60479-W, Adv. 98-9125-W (Bankr. N.D. Iowa Sept. 16, 1999) (dischargeability of dissolution debt)

McDole v. Arensdorf (In re Deborah J. Arensdorf), Ch. 7, No. 99-00003-D, Adv. 99-9038-D (Bankr. N.D. Iowa June 21, 1999) (issue preclusion from default judgment)

Davis v. Schlitter (In re James Roger Schlitter), Ch. 7, No. 98-00597-D, Adv. 98-9072-D (Bankr. N.D. Iowa May 14, 1999) (dishonored check; attorney fees)

Universal Bank v. Delaney (In re Richard J. Delaney), Ch. 7, No. 98-00692-D, Adv. 98-9098-D (Bankr. N.D. Iowa March 31, 1999) (credit card debt excepted from discharge)

Krein v. Hanagan (In re Mark and Esther Krein), Ch. 7, No. 97-01060-D, Adv. 98-9084-D, 230 B.R. 379 (Bankr. N.D. Iowa Feb. 23, 1999) (dischargeability of dissolution debt; right to indemnity)

Iowa Oil Co. v. McGraw (In re Donald and Elaine McGraw), Ch. 7, No. 97-01428-W, Adv. 97-9177-W (Bankr. N.D. Iowa Dec. 3, 1998) (dischargeability of debt from delivery of fuel)

Avco Financial Services v. Langreck (In re Dale Langreck), Ch. 7, No. 97-02444-W, Adv. 97-9229-W (Bankr. N.D. Iowa Sept. 15, 1998) (false financial statement)

Jomo Investments, Inc. v. Glew (In re Charles and Sheryl Glew), Ch. 7, No. 97-01387-C, Adv. 97-9158-C (Bankr. N.D. Iowa Aug. 27, 1998) (fraudulent representations not proved)

Hobson Mould Works, Inc. v. Lease et al (In re Lease et al), Ch. 7, No. 97-03590-W, Adv. 98-9002-W, 98-9003-W, 98-9004-W (Bankr. N.D. Iowa July 21, 1998) (collateral estoppel supports nondischargeability), aff'd, N.D. Iowa Mar. 29, 1999; aff'd In re Madsen, 195 F.3d 988 (8th Cir. Nov. 2, 1999)

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Vander Werf v. Barker (In re Bernie B. Barker), Ch. 7, No. 97-01813-C, Adv. 97-9176-C (Bankr. N.D. Iowa April 7, 1998) (dischargeability of marital debt)

Whitelock v. Rizzio (In re Steven Matthew Rizzio), Ch. 7, No. 97-00914-C, Adv. 97-9115-C (Bankr. N.D. Iowa April 7, 1998) (dischargeability of debt arising from fraudulent representations)

Jomo Investments, Inc. v. Glew (In re Charles and Sheryl Glew), No. 97-01387-C, Adv. 97-9158-C (Bankr. N.D. Iowa Feb. 20, 1998) (material issues of fact exist regarding Debtors' false representations)

Farmers State Bank v. Francke (In re Sean Patrick Francke), No. 97-00759-C, Adv. 97-9093-C (Bankr. N.D. Iowa Feb. 17, 1998) (excepted from discharge for false financial statements)

Drexler v. Hayzlett (In re Charles Hayzlett and Jessica Bernacki), No. 97-92094-C, Adv. 97-9205-C (Bankr. N.D. Iowa Feb. 10, 1998) (intoxicated driver exception from discharge not applicable to owner of vehicle)

Buffalo Bay Grain v. Schuster (In re Matthew and Lisa Schuster), Ch. 7, No. 96-22380-D, Adv. 97-9004-D (Bankr. N.D. Iowa Jan. 26, 1998) (debt from bad check excepted from discharge as fraud)

Lind-Waldock & Co. v. Anderson (In re G. John Anderson), Ch. 7, No. 97-00895-W, Adv. 97-9144-W (Bankr. N.D. Iowa Aug. 28, 1997) (bad check to pay previous debt not excepted from discharge)

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Seamans v. Burch (In re Laurence Burch), Ch. 7, No. 97-60410-W, Adv. 97-9050-W (Bankr. N.D. July 9, 1997) (restitution debt excepted from discharge, unaffected by Alford Plea)

Bebbee v. Crawford (In re Jeffrey and Margery Crawford), Ch. 7, No. 96-22585-D, Adv. 96-2222KD (Bankr. N.D. May 23, 1997) (dischargeability of debt from real estate contract)

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AT&T Universal Card Serv. v. Hinde (In re Shirley Sue Hinde), Ch. 7, No. 95-60300KW, Adv. 95-6088KW (Bankr. N.D. Iowa April 19, 1996) (dischargeability of credit card debt)

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Callahan v. Callahan (In re Carol Ann Callahan), Ch. 7, No. 94-11572KC, Adv. 94-1172KC (Bankr. N.D. Iowa Aug. 29, 1995) (dischargeability of dissolution obligation labeled alimony)

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Cumis Ins. Society v. Kaufman (In re Mark William Kaufman), Ch. 7, No. 94-20551KD, Adv. 94-2070KD (Bankr. N.D. Iowa April 6, 1995) (summary judgment denied re fraud in check kiting scheme)

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Williams v. Raymon (In re Richard D. Raymon), Ch. 7, No. 92-11849LC, Adv. 93-1004LC (Bankr. N.D. Iowa Aug. 11, 1993) (willful injury; collateral estoppel)

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In re Internet Navigator, Inc., Ch. 11, No. 02-01388, 289 B.R. 128 (Bankr. N.D. Iowa Jan. 22, 2003) (competing party's plan confirmed)

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In re National Cattle Congress, Ch. 11, No. 93-61986KW (Bankr. N.D. Iowa Dec. 11, 1995) (illegality of Chapter 11 plan; per se antitrust violation)

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In re RMM, Inc. and In re Slipped Disc, Inc., Ch. 11, No. 98-02923-C, 98-02914-C (Bankr. N.D. Iowa Aug. 23, 2000) (dismissal of Chapter 11 case)

In re Paris & Sons, Inc., Ch. 11, No. 98-02475-C (Bankr. N.D. Iowa May 16, 2000) (cause to dismiss Chapter 11 case)

In re S.O.S. Enterprises, Inc., Ch. 11, No. 95-10203KC (Bankr. N.D. Iowa Jan. 24, 1996) (dismissal; reservation of jurisdiction)

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In re Richard & Shelby Weber, Ch. 12, No. 02-00250, 297 B.R. 567 (Bankr. N.D. Iowa July 22, 2003) (case dismissed for delay and inability to submit confirmable plan)

In re Vincent W. Michels, Ch. 12, No. 03-00316, 2003 WL 1965849 (Bankr. N.D. Iowa Apr. 14, 2003) (debtor meets the requirements of “family farmer”)

Schellhorn v. Farmers Savings Bank (In re Duane & Nina Shellhorn); Twin River Farms, Inc. v. Farmers Savings Bank (In re Twin River Farms, Inc.), Ch. 12, No. 87-00424, 87-00425; Adv. 01-9005, 01-9006; 280 B.R. 847 (Bankr. N.D. Iowa June 17, 2002) (interpretation of treatment of secured claim in confirmed plan), appeal withdrawn

In re Marcus Joy Gumz, Ch. 12, No. 95-61821KW (Bankr. N.D. Iowa Dec. 7, 1995) (bad faith and feasibility in Chapter 12)

In re Paul Pfab, Ch. 12, No. 93-21955KD (Bankr. N.D. Iowa June 16, 1994) (dismissal for failure to file Chapter 12 plan)

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In re Robert & Nancy Richards, Ch. 12, No. 03-02487, 2004 WL 764526 (Bankr. N.D. Iowa Apr. 2, 2004) (plan confirmed; bank not entitled to protection of its equity cushion)

In re Kevin Knief, Ch. 12, No. 96-21301-D (Bankr. N.D. Iowa Sept. 19, 1997) (collateral may not be distributed to Ch. 12 unsecured creditors)

In re John and Carol Specht, Ch. 12, No. 96-21022-D (Bankr. N.D. Iowa April 10, 1997) (Chapter 12 Plan not feasible; case dismissed)

XVIII. INDIVIDUAL DEBT ADJUSTMENT, 3701-3740

In re Robert & Patricia Harken, Ch. 13, No. 04-02914, 2004 WL 3019467 (Bankr. N.D. Iowa Nov. 29, 2004) (determining appropriate interest rate for secured claim)

In re Patricia DeVore, Ch. 13, No. 01-03558, 2002 WL 970407 (Bankr. N.D. Iowa May 3, 2002) (lien and claim for indemnity of former spouse survived prior Ch. 13 case)

In re Vincent Michels, Ch. 13, No. 01-01415-W (Bankr. N.D. Iowa Jan. 28, 2002 (secured creditor does not have allowed claim; plan is confirmed), rev'd 286 B.R. 684 (B.A.P. 8th Cir. Dec. 20, 2002)

In re Vincent Michels, Ch. 13, No. 01-01415-W, 270 B.R. 737 (Bankr. N.D. Iowa Dec. 18, 2001) (feasibility is questionable, secured creditor's claim may be disallowed, confirmation is not appropriate), appeal dismissed as moot, B.A.P. 8th Cir.

In re Garry & Cynthia Gleason, Ch. 13, No. 01-01029-C, 267 B.R. 630 (Bankr. N.D. Iowa September 14, 2001) (disposable income requirement for confirmation determined by examining discretionary spending)

In re Damian & Casi Cummins, Ch. 13, No. 98-03221-C, 266 B.R. 852 (Bankr. N.D. Iowa September 5, 2001) (Chapter 13 hardship discharge)

In re David and Revette Weber, In re John Lund, Ch. 13, Nos. 00-01613-CV, 00-01683-C (Bankr. N.D. Iowa Dec. 21, 2000) (disposable income requirement does not extend beyond 36 months)

In re Deanna R. Ploessl, Ch. 13, No. 00-01673-D (Bankr. N.D. Iowa Dec. 4, 2000) (postpetition interest on student loans nondischargeable in Chapter 13)

In re Jonathan Zahner, Ch. 13, No. 99-01666-W (Bankr. N.D. Iowa Dec. 9, 1999) (Chapter 13 confirmation; bad faith, full disclosure)

In re Frederick and Gladys Wilker, Ch. 13, No. 98-01117-W (Bankr. N.D. Iowa Oct. 27, 1999) (Chapter 13 confirmation denied)

In re Sarah Bouma, Ch. 13, No. 99-00109-CH (Bankr. S.D. Iowa Aug. 18, 1999) (late objection to Ch. 13 confirmation not allowed)

In re Ronald and Phyllis O'Brien, Ch. 13, No. 98-00545-C (Bankr. N.D. Iowa May 4, 1999) (Chapter 13 cram-down; conversion)

In re Margaret Bails, Ch. 13, No. 98-02717-C (Bankr. N.D. Iowa Nov. 30, 1998) (Chapter 13 plan listing monthly gift to friend not confirmable)

In re Bernie B. Barker, Ch. 13, No. 98-01601-C (Bankr. N.D. Iowa Nov. 16, 1998) (Chapter 13 confirmation requirements; reaffirmation agreements)

In re Steven Mammel, Ch. 13, No. 98-01184-C, 221 B.R. 238 (Bankr. N.D. Iowa June 9, 1998) (discharging student loans through Chapter 13 plan)

In re Jonas and Jean Harnish, Ch. 13, No. 97-02185-C, 224 B.R. 91 (Bankr. N.D. Iowa June 2, 1998) (status of lien after Chapter 13 confirmation)

In re Rebecca Janssen, Ch. 13, No. 98-00141-C, 220 B.R. 639 (Bankr. N.D. Iowa May 7, 1998) (separate classification of co-signed debt in Chapter 13)

In re Herman and Ellen Debner, Ch. 13, No. L92-00616-W (Bankr. N.D. Iowa April 3, 1998) (expiration of Chapter 13 plan ends case)

In re Glenn and Sheir Grawe, Ch. 13, No. 97-10342-C (Bankr. N.D. Iowa Aug. 20, 1997) (valuation of property to strip down IRS claim in Ch. 13 Plan)

In re Ken and Lu Anne Lefler, Ch. 13, No. 96-12601KC (Bankr. N.D. Iowa July 28, 1997) (feasibility of Plan proposing graduated payments and lump sum)

In re Ricki and Mary Ann Engelby, Ch. 13, No. 96-10008KC (Bankr. N.D. Iowa July 14, 1997) (feasibility of Plan proposing graduated payments and lump sum)

In re John and Connie Land, Ch. 13, No. 97-01011-C (Bankr. N.D. Iowa June 24, 1997) (sufficiency of notice of commencement of case), aff'd, 215 B.R. 398 (B.A.P. 8th Cir. 1997)

In re Michael and Randy Williams, Ch. 13, No. 93-11513KC (Bankr. N.D. Iowa Aug. 8, 1996) (Chapter 13 hardship discharge; dismissal for material default), rev'd, N.D. Iowa Feb. 24, 1998

In re Cindee S. Facion, Ch. 13, No. 95-12089KC (Bankr. N.D. Iowa Dec. 22, 1995) (charitable contributions outside Chapter 13 plan)

In re Jayson Wade Cook, Ch. 13, No. 95-10885KC (Bankr. N.D. Iowa Dec. 8, 1995) (modification of Chapter 13 claim secured by residence)

In re David and Elaine Hegg, Ch. 13, No. 95-20920KD (Bankr. N.D. Iowa Aug. 29, 1995) (funding Chapter 13 plan with future proceeds of lawsuit), appeal withdrawn

In re Daniel and Rhonda Olson, Ch. 13, No. L90-00423W (Bankr. N.D. Iowa Oct. 14, 1994) (Chapter 13 amended plan cannot extend payments more than 60 months)

In re James Howard Nekola, Ch. 13, No. 93-12099KC (Bankr. N.D. Iowa Aug. 2, 1994) (Chapter 13 confirmation bad faith standards)

In re Ronald and Sheila Truelove, Ch. 13, No. 93-11170KC, 1994 WL 486930 (Bankr. N.D. Iowa May 26, 1994) (IRS notice of lien filed prior to Chapter 13 discharge)

In re Robert and Helen Akers, Ch. 13, No. L92-00626C (Bankr. N.D. Iowa June 30, 1993) (§ 727 no application in Chapter 13 case)

XIX. REVIEW, 3741-3860

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B. Review of Bankruptcy Court, 3761-3810

Land O'Lakes Farmland Feed LLC v. Gehl (In re Gehl), Ch. 7, No. 04-00102, Adv. 04-9063, 324 B.R. 756 (Bankr. N.D. Iowa May 20, 2005) (delay in filing notice of appeal was not caused by excusable neglect)

In re Vincent Michels, Ch. 12, No. 03-00316 (Bankr. N.D. Iowa Oct. 23, 2003) (monthly payments ordered pending decision on appeal)

Beiwel v. Sallie Mae Servicing (In re Erik T. Beiwel), Ch. 7, No. 00-00112-W, Adv. 00-9085-W, 2001 WL 753778 (Bankr. N.D. Iowa June 13, 2001) (pro se debtor's notice of appeal untimely)

In re National Cattle Congress, Inc., Ch. 11, No. 93-61986KW (Bankr. N.D. Iowa Oct. 4, 1996) (mootness of issue on remand after appeal)

Fletchall v. State of Iowa (In re Lyle and Doris Fletchall), Ch. 7, No. L90-01910W, Adv. 93-6165KW (Bankr. N.D. Iowa July 27, 1994) (untimely appeal dismissed)

C. Review of Appellate Panel, 3811-3830

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